

Order below Exh. 11 in Contempt Petition No. 01/2018
(CNR No. MHJG 2200 0263 2018)

The applicants have moved present application to abatement set aside order.

2] It is the contention of the applicants that applicant no. 5 died on 30.06.2018. Within 90 days it is necessary to bring his legal heirs be taken on record but could not be taken it. Therefore, the application is automatically abated for applicant no. 5. During mean time the matter came to be transfered to this newly created court and the applicants are laborer and went outside for cutting sugar cane. Therefore, they could not contact with their counsel. Therefore, requested to set aside the abatement. Say of other side is called but till date no say is filed. Hence, the matter proceeded without say of other side. The application is supported by affidavit. In order to proceed with the matter the legal heirs of applicant no. 5 are necessary on record. If the abatement is set aside no prejudice will be caused to other side. Therefore, no reason appears to disbelieve the contentions of applicants for setting aside abatement. Hence, I pass following order.

Order

- 1) The application is allowed.
- 2) The abatement order is set aside.

Date : 19/10/2019

(L. S. Padhen)
Civil Judge Senior Division
Chalisgaon.