

Order Below Exhibit No. 424
(Decided on 11/07/2022)

Perused the application filed by the legal heirs of the original plaintiff-Janabai to implead their names as plaintiffs in the case. I have gone through the say filed by the defendants. Heard counsel for the plaintiff. The counsel for the defendants has remained absent to submit the argument on the present application, inspite of calling the case till 15:47 hours.

2] It is submitted by the applicant that plaintiff-Janabai has died on 11/06/2020 and the applicants are the legal heirs of plaintiff-Janabai. It is contended that due to pandemic situation of Covid-19, the applicants could not meet to their advocate to file the application for impleading them as plaintiff. Therefore, the applicants have prayed to condone the delay and to set aside the abatement of the suit. It is further prayed that the names of applicants be incorporated as plaintiff in the suit.

3] The counsel for the defendants has opposed the application on the ground that the application has not been moved within the period of limitation. The applicants have failed to give the explanation for the delay caused to file the present application within time. On these grounds, the counsel for the defendants has prayed to reject the application.

4] Admittedly, the court functioning was seriously hampered from March 2020 till February 2022, in view of pandemic situation of Covid-19. In the said period, the litigants

were unable to meet their advocate to proceed in the litigation. Plaintiff-Janabai has died on 11/06/2020, which was during the Covid-19 pandemic situation. In these circumstance, the explanation furnished by the applicants is reasonable and acceptable. As such, the application needs to be considered in a liberal manner. In this background, I proceed to pass the following order.

ORDER

- 1] The application is allowed
- 2] The delay caused to bring the names of legal heirs of plaintiff-Janabai on the record is hereby condoned.
- 3] The abatement of the suit is hereby set aside.
- 4] The applicants are directed to amend the plaint as prayed in the application till 25/07/2022 and shall file amended copy of the plaint on the record.

[Dictated and declared in open Court]

Pune.
Date – 11.07.2022.

(Sagar N. Patil)
3rd Addl. Judge, Small Causes Court,
Pune.

CERTIFICATE

I affirms that, the contents of the P. D. F. file order are same word for as per original order.

Name of Steno	Smt. V.J.Patil
Court Name	Sagar N. Patil 3 rd Addl. Small Causes Judge, Pune.
Date	11.07.2022
Order signed by Presiding Officer on	11.07.2022
Order uploaded & PDF on	12.07.2022