



COMMON ORDER BELOW EXHS. 91, 92-A, 92-B and 94.

These applications are filed by the plaintiff for condonation of delay for setting aside abatement order, for setting aside abatement and to bring legal representatives of deceased defendant no. 3 on the record.

2. It is the case of the plaintiff that, he got knowledge that defendant no. 3 has been died on 03/10/2019. Therefore, it is necessary to bring legal representatives of deceased defendant no. 3 on the record. Hence, he prayed to condon the dealy caused, setting aside abatement and to bring legal representatives of deceased defendant no. 3 on the record.

3. Notice was sent to legal representatives of deceased defendant no. 3. Defendnats filed their reply at Exh. 93 and also overleaf of the present applications. They prayed to reject the applications.

4. Heard. Perused the record.

5. It appears that, for effective adjudication of the suit, it is necessary to bring the legal representatives of deceaed defendant no. 3 on the record. Delay to bring the legal representative of deceased defendant no. 3 is certainly caused. But, for effective adjudication of the suit and in the intrest of justice, the delay to setting aside abatement needed to be condoned and its further

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consequential order to bring legal representatives of deceased defendant no. 3 needed to be taken on the record. Hence, I pass following order :-

ORDER

1. Applications are allowed.
2. The delay caused for bringing legal representatives of deceased defendant no. 3 is hereby condoned.
3. The abatement of the suit in respect of deceased defendant no. 3 is hereby set aside and the plaintiff is permitted to bring his legal representatives on the record.
4. The plaintiff is directed to carry out the proposed amendment and to file amended plaint on or before next date.
5. No order as to cost.

(Dictated and pronounced in the open Court.)

Pathardi
Date: 10.07.2023

(Mayursingh D. Gautam)
2nd Civil Judge Jr. Division,
Pathardi.