

RCS No.32/2018
Arun v/s Vimalabai

COMMON ORDER BELOW EXH.24, 25 & 31

(Passed On 21.03.2023)

Since the defendant is reported to be died on 25.12.2018 the plaintiffs have filed application for setting aside abatement order, condonation of delay and for bringing Lrs. Of deceased defendant.

2] The proposed Lrs. appeared in the proceeding and filed say below Exh.24 & 25.

3] The one fact which is undisputed on record is that the Lrs who appeared has not disputed her status and relation with the deceased. According to the plaintiff the delay of two months and fourteen days have been caused, however, the deceased is died on 28.12.2018 and the application is filed on 26.06.2019 the shows that the delay of five months twenty-nine days have caused. The intimation to that effect has been filed on 13.02.2019 which shows that the plaintiff has received knowledge after long time. However, still the delay of four months appears to have been occurred for which the reasons given in the application is not proper. The delay of four months has not been explained properly, however, for the ends of justice and to continue the cause of action against the Lrs. of deceased defendant it is necessary to allow the application. So far as delay is concerned the cost will be sufficient to serve the purpose. Hence, the following order.

ORDER

- i. The abatement order is hereby set aside.

- ii. The delay has been condoned subject to cost of Rs.500/- payable to the Lrs.
- iii. The plaintiff shall bring the legal heirs within 14 days and carry out the amendment to that effect.
- iv. The consolidated copy be placed on record.

Date. 21.03.2023

(Rahul A Rannaware)
Jt. Civil Judge Junior Division, Telhara

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original .

Name of Stenographer	: V. M. Nawle
Court Name	: Jt.C.J.J.D. & J.M.F.C.,Telhara
Date	: 21.03.2023.
Signed by presiding officer on	: 21.03.2023.
Uploaded on	: 27.03.2023.