

MHKO010027562018



Order below Exh.28 in Regular Civil Appeal
No.220/2018

Perused application and say. Heard.

2. This application for setting aside abatement order. The core of application that, respondent No.1b is no more dated 06/12/2021 and applicants could not bring the legal representatives of him on record in time. So, the abatement order passed against respondent No.1b may be set aside.

3. On receipt of this application, say of respondents is called. In response to it, they have submitted that necessary say is filed below Exh.29. As per say of respondents below Exh.29, they have denied the application in toto on the ground that the application is false and no reason is cited. So, the application is liable for rejection.

4. Court considered arguments. Examined the record. On examination of record, it is to be seen that delay caused in bringing the legal representatives of

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respondent No.1b is condoned by order below Exh.29 dated 15/12/2022 and the said order is complied by the appellants. So, considering the condonation of delay and cause of action being survived the application is deserve to be allowed. Hence, the order :-

Order

- 1) Application is allowed.
- 2) Order of abatement against respondent No.1b is hereby set aside.
- 3) In the peculiar circumstance, no order as to costs.

Date : 02/05/2023.
Kolhapur.

(M. S. Kakade)
Ad-hoc District Judge-2, Kolhapur.