



Order below Exhs.23 in R.C.S. No.22/2019
Bhalchandra Zhavare, etc V/s. Vijaykumar Zhavare, etc.
CNR No. MHKO050001802019

Present application is filed by plaintiff for condoning delay for bringing on record legal representatives of deceased plaintiff nos. 1 to 3.

2. Defendants raised objection by filing say on the application itself. It is prayed to reject the application.

3. The present suit is filed for declaration of civil death and of legal representatives. During the pendency of the suit, plaintiff no.1 Bhalchandra Anat Zhavare died on 14.10.2021, plaintiff no.2 Bhupal Anat Zhavare died on 27.9.2021 and plaintiff no.3 died on 13.7.2021. Present application is filed on 24.3.2021. There is delay of 8 months 15 days. Deceased plaintiffs are survived by proposed plaintiffs. In the facts and circumstances of the present suit cause of action survives. Though, the application is objected, it is settled principle that, while deciding this application, the Court has to adopt liberal view. So, considering the fact that, the valuable rights and interest of the parties are involved in the suit property, the abatement and delay for bringing the LRs. on record of deceased plaintiffs needs to be set aside and delay needs to be condoned by imposing costs. Hence, I pass following order -

Order

- 1) The application Exh.23 is hereby allowed on the costs of Rs.500/-.
- 2) The abatement is set aside and delay is condoned.

Date :14-10-2022.

(S. S. Pednekar)
6th Jt.Civil Judge Junior Division,
Ichalkaranji, District Kolhapur