



Order below Exh.41 in R.C.S. No.335/2019
Subhash Mangave deceased V/s. Balasaheb Patil, etc.
CNR No. MHKO050044502019

Present application is filed by plaintiff for condoning delay for bringing on record legal representatives of deceased plaintiff no. 1.

2. Plaintiffs by filing their say (Exh.43) resisted the application.

3. Perused application, say and record of the suit.

4. The present suit is filed for permanent injunction. During the pendency of the suit, plaintiff no.1 Subhash Annappa Mangave died on 5.5.2021. Present application is filed on 22.11.2022. There is delay of 1 year 6 months 17 day. Deceased plaintiff no.1 survived by proposed plaintiffs. In the facts and circumstances of the present suit cause of action survives. Though, the application is objected, on the ground of non mentioned the period of delay, 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 plaintiff no.1 needs to be set aside and delay needs to be condoned by imposing costs. Hence, I pass following order -

Order

- 1) The application Exh.41 is hereby allowed on the costs of Rs.500/- payable to defendant.
- 2) The abatement is set aside and delay is condoned.

Date :24-01-2023.

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