

MHKO070009962014



**REGULAR CIVIL SUIT NO.168/2014**  
**COMMON ORDER BELOW EXH. 36, 37 AND 38**  
**( Namdev Chavan Vs. Sanjay Patil )**

Vide application below Exh. 36, plaintiff is requesting for condonation of delay caused in bringing on record legal representatives of sole defendant ; vide application below Exh. 37 plaintiff is requesting for setting aside the order of abatement against sole defendant ; and vide application below Exh. 38 plaintiff is requesting for bringing on record legal representatives of deceased sole defendant.

02. Since the sole defendant has expired, it transpires that although say of other side was called for, learned advocate for said defendant has not filed the say.

03. Heard learned advocate Shri. G.K.Ambekar for plaintiff. Perused record and proceeding.

04. From the contentions on record, it is seen that sole defendant expired on 09/10/2021 and all these applications are filed on record on 22/02/2022. Accordingly, *prima facie*, it is seen that there is a delay of more than four months. However, Hon'ble Apex Court in **Suo Motu Writ Petition (Civil) No.3/2020 In Re: Cognizance for Extension of Limitation** directed vide order dated 10/01/2022 that "the period from 15/03/2020 till 28/02/2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or

special laws in respect of all judicial or quasi-judicial proceedings.”

05. Therefore, in the light of above said directions of Hon'ble Apex Court, I am of the view that the legal representatives of deceased sole defendant are brought on record within period of limitation. Accordingly, following order:-

**ORDER**

1. All the applications are allowed.
2. Plaintiff is directed to carry out suitable amendment in the plaint and also to file on record amended plaint on or before next date.
3. Thereafter, summons be issued to proposed legal representatives of sole defendant.
4. This original order be kept below Exh. 38.
5. Cost to be in the cause.

( **Anand D. Karbhajan** )

Place - Jaysingpur.                      Joint Civil Judge Junior Division,  
Date - 21/03/2022                      Jaysingpur, Tal. Shirol, Dist. Kolhapur.