

MHKO090000552020



ORDER BELOW EXH. 19 IN REG. CIVIL SUIT NO. 28/2020

1. The applications Exh. 20 is filed by the plaintiff for substituting names of legal representatives of defendant No. 2. To prefer this application, delay was caused. Hence, application Exh. 19 is filed to condone this delay and to set aside the abatement.
2. It is averred in the application that defendant No. 2 died on 07.07.2020. It is averred in the application that initially, the plaintiff was not aware regarding death of defendant No. 2. Subsequently, Covid-2019 pandemic was started and due to that reason, necessary application could not be filed for bringing legal representatives on record. On the other hand, it is submitted by defendant Nos. 2(a), 1(b)(1) to 5, 2(c) and 2(d) that if the application is allowed, heavy costs may be imposed.
3. After hearing both the sides I find that as per law, application for bringing legal heirs on record is to be filed within 90 days, and the abatement can be set aside within 60 days. This application is filed on 16.11.2021. Considering length of delay and reasons cited in the application, the abatement can be set aside on costs of

Rs. 700/-. No substantial objection is raised regarding names of legal heirs mentioned in the application Exh. 20, hence, the same is liable to be allowed. Accordingly, I pass the following order -

ORDER

1. The delay caused in bringing legal heirs of defendant No. 2 on record is hereby condoned on costs of Rs. 700/- and the abatement is accordingly set aside.
2. The costs shall be paid within two weeks from the date of this order. In case of default, application will stand rejected without any further order of this court.

Date : 13.06.2023

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj