



ORDER PASSED BELOW EXH.32
IN REGULAR CIVIL SUIT NO.28/2020

[CNR No.MHKO090000552020]

Perused application and say. The plaintiff has filed applications for setting-aside abatement and bringing LRs of plaintiff no.2 on record.

2. The aforesaid defendant died on 08.06.2023. Within 90 days, his LRs were to be brought on record. It is submitted that within the same period, the plaintiff could not meet his advocate and find out name and addresses of the LRs.. On the other hand, it is submitted that the reason is not believable.

3. After considering these submissions, I find that the reason cited by the plaintiff can be accepted. It is true that plaintiff nos.1, 2 and 3 are real brothers of each other, however, plaintiff no.2 filed the suit as attorney of others. It was plaintiff no.2, who filed affidavit in support of the plaint. Therefore, it reasonably appears that plaintiff no.2 was the main person, who was prosecuting the matter. Hence, it is believable that when he died, others could not move necessary application to bring his LRs on record within time.

4. The delay is also not very long. The application is filed

on 17.10.2023. Therefore, considering this fact, the abatement is liable to be set-aside and the opportunity is to be given to the plaintiffs to bring LRs of plaintiff no.2 on record. Hence, the following order :-

ORDER

The application is allowed as follows :-

1. The abatement is hereby set-aside and the plaintiffs are permitted to bring LRs of deceased plaintiff no.2 on record.
2. The aforesaid amendment shall be carried out within 14 days from the date of this order. Similarly, the amended plaint copies shall be filed within the same period.

Place : Gadhinglaj.
Date : 13.02.2024.

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