



ORDER BELOW EXH. 40 in RCS No. 105/2017

CNR Number is MHKO110011112017

(Passed on 02/05/2022)

1. Through this application (Exh.40), Plaintiffs prayed for setting aside abatement caused due to demise of deceased defendant No. 1 Sidram Tuka Shinge who died on 12/01/2020.
2. Other side have filed reply on this application and strongly objected this application. Defendants contended that, reasons mentioned for the delay are not sufficient. All the reasons are false. Hence, defendants prayed for reject the application with costs.
3. Perused record. This application and say on it. Heard learned advocate for plaintiffs and defendants for sufficient time.
4. Having gone through the application, nature of the proceeding and the fact that death occurred on 12/01/2020. After perusal of record it reveals that, reasons shown for delay is Covid-19 pandemic situation. In my view reason mentioned for delay is justifiable. Present suit is old one. So, it is better to proceed on merits instead of technicalities in this age old suit by imposing some costs. Hence, I am inclined to allow the application. Resultantly, following order.

ORDER

1. Abatement order to bring legal heirs of deceased defendant No. 1 is set aside subject to cost of ₹200/-.

(C. S. Deshpande)

Date :- 02/05/2022

Jt. CJJD, Peth-Vadgaon.