

MHKO120004322006



Reg.Darkhast No.92/2006
(CNR No.MHKO120004322006)

Common Order below Exh.51, 52, 53

D.H.No.2(A) – Namdeo Shankarrao Jadhav filed applications below Exh.51, 52, 53 respectively for setting aside abatement order against D.H.No.1, condoning delay for bringing legal representatives of D.H.No.1 and for permitting him for bringing legal representatives of D.H.No.1 on record.

02. D.H. submitted that, the present execution proceeding instituted for possession of suit property by removing encroachment. He also submitted that, D.H.No.1 – Pandurang Shankarrao Jadhav was expired on 11/07/2021. It is also submitted that, due to the lock-down declared to prevent the spreading of epidemic Covid-19, they could not received death certificate of deceased within time. They have not deliberately caused delay. The presence of legal representatives of deceased is necessary and hence applications be allowed in the interest of justice.

03. In spite of giving sufficient opportunities, J.D. failed to file their say on these applications. Hence all applications proceeded further without say of J.D..

04. Prima-facie, the reasons for applications are well-founded. Moreover, it is well-settled that, liberal view is required to be taken while deciding applications for condoning delay, setting-aside abatement and

taking legal heirs on record. In the circumstances, the applications below Exh.51, 52, 53 will have to be allowed. Hence, I pass following order.

ORDER

- 1) Applications at Exh.51, 52, 53 are allowed.
- 2) Abatement order against D.H.No.1 – Pandurang Shankarrao Jadhav is set aside.
- 3) Delay caused for taking legal heirs of the D.H. No.1 on record is condoned, subject to costs of Rs.300/- [Rs.Three Hundred] payable to the Legal Aid before next date.
- 4) D.H.No.2(A) is directed to bring on record the legal representatives of deceased D.H.No.1 and to carry out the amendment within stipulated period and file the amended copy of the proceeding on record.

Date : 04/11/2023

(V. B. Mulla)
Civil Judge Junior Division,
Gargoti