



ORDER BELOW EXH. 87, 88 & 89
IN R.C.S.No. 140/2015

1. These applications are filed by plaintiffs' for setting aside abatement, to condone the delay and for taking LR's on record.
2. According to the plaintiffs', plaintiff no. 2 died on 08/07/2019 and thereafter, wife of plaintiff no. 2 Smt. Ujwala Amrutrao Nimbalkar died on 20/06/2021. The death certificates are filed on record. According to the learned advocate for the plaintiffs', the cause of action survive. It is argued that, during the pandemic situation they could not approach before the court. It is argued that, plaintiffs' have no knowledge of law. Further, they could not approach before their advocate within time to set aside the abatement and to add the LR's of plaintiff no. 2. Therefore, the delay is caused due to unavoidable reasons. Hence, prayed to set aside abatement by condoning delay with permission to add LR's of plaintiff no. 2 in the suit.
3. The defendants have submitted their say below this application submitting that, to pass appropriate order.
4. I have perused the record. Heard learned advocate of both parties.
5. Admittedly, the plaintiff no. 2 died on 08/07/2019 and wife of plaintiff no. 2 Smt. Ujwala Amrutrao Nimbalkar died on 20/06/2021. Moreover, delay is huge. For proof of reasons mentioned in the application, the plaintiffs' have filed death

certificates of plaintiff no. 2 and his wife. Be it so, applications are supported with affidavit and death is not disputed. Whether cause of action survive against the LR's of deceased plaintiff no. 2 is matter of merit. Considering, nature of suit, delay caused to move this application, age of plaintiffs', relation between deceased plaintiff no. 2 and his LR's coupled with reasons mentioned in the applications, it will be just and proper to allow all applications (Exh.87, 88 & 89). Admittedly, excluding pandemic period there is delay 1 years 9 months 10 days. Therefore, applications are required to be allowed with costs upon the LR's of plaintiff no. 2. Considering, delay costs of Rs.500/- is imposed on all applications aggregate. On depositing payment of costs in the court, the plaintiffs' shall bring the LR's of deceased plaintiff no. 2 on record on or before next date. Aggregate costs Rs.500/- if deposited by the LR's of plaintiff no. 2, the same shall be paid to contesting defendant no. 5 & 6. Upon compliance of above order the LR's of plaintiffs' shall carry necessary corrections in the plaint and to proceed with the suit expeditiously.

Kagal
Date:- 08/09/2023

(B.D.Gore)
Civil Judge Junior Division,
Kagal.