



Order Passed below Exh.24 in R.C.S.No.63/2020

This is an application made for setting aside abatement of deceased defendant No.1 Vasant Ganapati Hande. It is contended that defendant No.1 Vasant Ganapati Hande is died on 27-05-2021. However, as lock down declared in the nation due to Covid-19 disease, the legal representatives of deceased defendant No.1 could not bring on record within limitation. Ultimately, it is prayed that abatement of deceased defendant No.1 Vasant Ganapati Hande may be set aside.

02. Accordingly, notices issued to proposed legal representatives of deceased defendant No.1. They appeared through their advocate and filed say on overleaf of application contending that limitation for bringing legal representatives of deceased defendant No.1 is already over. As such, suit is abated against defendant No.1. The reason mentioned for setting aside abatement, is not satisfactory. Therefore, they prayed for rejection of application with costs.

03. Heard both sides. Perused record it appears that defendant No.1 Vasant Ganapati Hande is died on 27-05-2021. His death certificate is produced on record. The suit is instituted for removal of encroachment, declaration and perpetual injunction. The application for condonation of delay (Exh.23) is allowed. Considering reason

mentioned in application and nature of suit, it is necessary to set aside abatement of deceased defendant No.1. Hence, following order.

Order.

1. Application is allowed.
2. The abatement of deceased defendant No.1 is set aside.

Kale-Kheriwade.
Dated-14-03-2022.

(V.V.Khulape)
Civil Judge Junior Division,
Kale-Kheriwade.