

MHLA110001512019



**COMMON ORDER BELOW EXHIBIT NOS.11, 13  
AND 15 IN LAR NO.17/2019  
HIRALAL VS. STATE & ORS.**

1. Perused the applications and say filed thereon. Heard Learned Counsel for both sides.
2. Learned Counsel for the claimant submitted that claimant Hiralal Govind Yewate died on 11/02/2019. However, as the matter was pending before the Collector, they were not having legal knowledge to participate in the present proceedings. Therefore, they failed to bring the legal representatives of deceased claimant Hiralal Govind Yewate on record. As they could not file the present applications within the prescribed period of limitation, they prayed to set-aside the abatement and condone the delay for bringing the legal heirs on record.
3. Respondents resisted the applications and contended that there is huge delay in filing this application. Claimants have belatedly filed this application. The delay is huge. Hence, it is prayed to reject the applications on heavy costs.
4. It is necessary to mention here that, under Article 121 of the Act an application to set aside abatement has to be filed within specific period of 60 days from the date of abatement. This application for bringing legal heirs on record is filed belatedly by applicants. However, the application is supported with affidavit.
5. Claimant has filed this reference for enhancement of compensation. Therefore, it is clear that, right to sue survives to the legal representatives of deceased claimant Hiralal Govind Yewate. Considering the interest of claimants and covid-19 pandemic situation, it will be just and proper to condone the delay for bringing the legal heirs of deceased claimant Hiralal Govind Yewate on record and to set aside the abatement on heavy costs. Hence, I proceed to pass the following order:

**ORDER**

- 1) Application Exhibit Nos.11, 13 and 15 are allowed subject to cost of Rs.5,000/- (Rupees Five Thousand only).
- 2) Delay in bringing L.Rs. of deceased claimant Hiralal Govind Yewate on record is hereby condoned.
- 3) L.Rs. of deceased claimant Hiralal Govind Yewate be brought on record till next date, without fail.

Nilanga  
Dt.:- 19/11/2024

(**Smt. V. D. Bhosale**)  
Jt. Civil Judge Sr. Dn., Nilanga.