

MHLA15000269- 2008



ORDER BELOW EXH.280.

1. This application is filed by plaintiff for condonation of delay to set aside abatement order. Defendant objected said application on various ground.

2. It is submitted by plaintiff that defendant no.1 died on 20.11.2020 due to illness and plaintiff has filed pursis vide exh. 258. There is delay of near-about 2 years and it is necessary to condone for set aside abatement order. Legal heirs of deceased defendant no.1 is already on record. Due to Covid-19 plaintiff has not filed said application within limitation. Lastly he has prayed for allowing the application. Per contra it is submitted by defendant that application is not filed within limitation and it is not tenable.

3. Perused record of case. Circumstance of Covid-19 was in existence in the year 2020 and 2021. Hon'ble Supreme Court extended time limit to file application in matter as per suo moto writ petition. If delay is condoned then no loss will be caused to defendant. Furthermore, deceased has also filed counter claim in this matter. This application is also support by affidavit of plaintiff. So it is necessary to condone delay for

set aside abatement order. Hence, I pass following order.

ORDER

Application (Exh.280) is allowed.

Date : 15.06.2022.

(P.P. Kale)
Civil Judge Junior Division,
Chakur.