

MHLA15000269- 2008



**ORDER BELOW EXH.282.**

1. This application is filed by plaintiff for setting 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 application for bringing legal heirs of deceased was not filed within limitation. The legal heirs of deceased 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 application is allowed 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 set aside

abatement order as per application. Hence, I pass following order.

**ORDER**

Application (Exh.282) is allowed.

Date : 15.06.2022.

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