

ORDER BELOW EXH.57
(on 17th July, 2026)

By this application the plaintiff is seeking permission to set aside abatement order and condonation of delay.

2. The learned Advocate Shri. A.G.Dange for the plaintiff has submitted that, the application is supported with affidavit stating reason therein. So the application is liable to be allowed. On the other hand, learned Advocate Shri.K.S.Baig for the defendants has opposed application on the ground that, there is more than 6 months delay to file the application. No sufficient reason is cited to allow the application. The application is filed beyond period of limitation.

3. Perused the application filed by plaintiff. So also entire record. The application is filed beyond 90 days from the date of death of deceased plaintiff. The application is supported by an affidavit stating reason of inadvertent delay to bring legal representative of deceased plaintiff owing to not having present at village within time. It appears that, the plaintiff had sufficient cause which prevented him from making such application. Therefore, the abatement needs to be set aside by condoning delay. It is therefore, necessary in the interest of justice to allow the application. Hence, the following order is passed :

ORDER

1. The application is allowed and delay is condoned.
2. The abatement order is set aside.

Date : 17.07.2026

(K.S.Khandare)

Place : Kandhar

Civil Judge Junior Division,
Kandhar