


MHNG080012332015 	R.C.S. No.187/2015 Jagnath & others Vs. Omprakash & others.
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ORDER (BELOW EXH.121)

(Passed on 24/10/2024)

The plaintiffs have filed this application for setting aside the abatement and condonation of delay.

2] It is contended that during pendency of the suit defendants No.3 died on 16.05.2021, defendant No.6 died on 23.04.2021 and defendant No.7 died on 16.01.2021 leaving behind their legal representatives. Due to Corona Pandemic the plaintiffs could not contact their advocate and could not move application for bringing legal representatives of deceased defendants on record. Hence the application.

3] The defendants failed to file their say. Hence, the application proceeded without say of the defendants.

4] Heard both sides.

5] Perused the record. The plaintiffs filed this suit for declaration and cancellation of sale deed and possession. During pendency of the suit defendants No. 3,6 and 7 died, but due to pandemic the plaintiffs failed to file application for bringing legal representatives of deceased defendants on record. The present application filed on 21.01.2022. The delay is not deliberate and needs to condone. Looking to the age of the suit and corona

pandemic, it will not be just and proper to impose costs on the plaintiffs.
Thus the application deserves to be allowed. Hence I pass following order.

ORDER

1. Application (Exh.121) is allowed.
2. The delay caused in filing present application is condoned and order of abatement is set aside.

Date:-24.10.2024

(R.R. Sherekar)
2nd Jt. Civil Judge Junior Division,
Kamptee, Dist. Nagpur.