

Order Below Exh. 37.

The present application is filed by the plaintiffs under order XXII Rule 9(2) to condone the delay to bring legal representatives (L.R.s) of plaintiff No. 2.

The plaintiffs contend that, plaintiff No. 1 Waman Motiram Bacchav was expired on 17.08.2020. However, there is delay to bring legal heirs of the said plaintiff on record due to Covid-19 pandemic. Thus the plaintiff prayed that delay to bring legal representatives of deceased plaintiff No. 2 on record be condoned and Lr's of plaintiff No. 2 be taken on record.

Defendants filed their say on the application and contended that the present application is false and frivolous. The explanation is not sufficient. Hence the application be rejected.

Perused application and say. Heard ld. Advocates for both sides. As per the contention of the plaintiffs, plaintiff No. 2 Waman Motiram Bacchav is expired on 17.08.2020. His death certificate is filed on record alongwith list of document Exh. 40. The present application is supported by affidavit. No prejudice will be caused to the defendants if the present application is allowed. Hence, the present application deserves to be allowed. Although, there is delay in filing the present application. However, considering the delay was caused due to Covid-19 pandemic, lenient view needs to be taken.

Resultantly, I pass the following order :

ORDER

1. The application (Exh. 37) is allowed.
3. Abatement against Plaintiff No. 2 is set aside and plaintiffs are allowed to bring legal representatives of deceased plaintiff No. 2 Waman Motiram Bacchav on record and to carry out necessary amendment.

Sd/-

Date : 17.08.2021

(A. C. Joshi)

Place : Kalwan

Jt. Civil Judge J. D., Kalwan

Order Below Exh.27 & Exh.38

The present application is filed by the plaintiffs under order XXII Rule 9(2) to condone the delay to bring legal representatives (L.R.s) of plaintiff no.1 on record.

The plaintiffs contend that, plaintiff no.1 Laxmibai Arjun More was expired on 01.03.2016. The plaintiffs have filed application at Exh.27 dated 13.09.2016 to bring legal representatives of deceased plaintiff no.1 on record. However there is delay of 135 days in filing the said application at Exh.28. Hence, the suit is abated against plaintiff no.1. However in the interest of justice it is necessary to bring legal representatives of deceased plaintiff no.1 on record. Hence the plaintiff prayed that abatement against plaintiff no.1 be set aside and delay to bring legal representatives of deceased plaintiff no.1 on record be condoned.

Defendant no.9 and 10 filed their say on the application and contended that the present application is filed after expiration of period of limitation. No reasonable explanation is given for the said delay. Hence the application be rejected. Defendant no.1 to 8 failed to file their say. Hence no say order was passed against them below the application.

Perused application and say. Heard ld. Advocates for both sides. As per the contention of the plaintiffs, plaintiff no.1 Laxmibai Arjun More is expired on 01.03.2016. Her death certificate is filed on record. The present application is supported by affidavit. No prejudice will be caused to the defendants if the present application is allowed. Hence, the present application deserves to be allowed. However, there is delay of 135 days in filing the present application. Hence, costs needs to be imposed on the

plaintiffs for the said delay.

Resultantly, I pass the following order :

O R D E R

1. The application (Exh. 27 & Exh. 38) is allowed with costs Rs.100/-
(Rs.One hundred only).
2. The plaintiffs to pay costs to the defendants.
3. Abatement against Plaintiff no.1 is set aside and plaintiffs are allowed to bring legal representatives of deceased plaintiff no.1 Laxmibai Arjun
More on record.

Date : 25.06.2019

(A. C. Joshi)

Place : Kalwan

Jt. Civil Judge J. D., Kalwan