

ORDER BELOW EXH.44

The present application is filed by the applicant to set aside abatement to bring legal representatives (L.R.s) of the plaintiff on record.

2. The applicants contends that, the plaintiff Dnynesh Vasant Rao Dixit was expired on 16/05/2022. The applicant Shital Dnynesh Dixit has filed application at Exh.45 to bring legal representatives of deceased plaintiff on record. However, there is delay in filing the said application. Hence, the suit is abated against the plaintiff. However in the interest of justice it is necessary to bring legal representatives of deceased plaintiff on record. Hence the applicant prayed that abatement against the plaintiff be set aside.

3. The defendant failed to file to say on the present application hence order was passed to proceed with the application without say of the defendant.

4. Perused the application. Heard, Ld. Advocates for applicants sides. As per the contention of the plaintiff Dnynesh Vasant Rao Dixit is expired on 16/05/2022. His death certificate is filed on record alongwith list of document at Exh.37. The present application is supported by affidavit at Exh.47. No prejudice will be caused to the defendants if the present application is allowed. However there is delay in filing the present application. Hence, costs need to be imposed while allowing the present application. Hence, the present application deserves to be allowed. Resultantly, I pass the following order :

ORDER

1. The application (Exh. 46) is allowed with costs Rs.200/-
(Two Hundred Rupees only).
2. Abatement against the plaintiff is set aside.

Date : 20.11.2023

Sd/-
(A. C. Joshi)
2nd. Jt. Civil Judge,
J. D., Kallam.

ORDER BELOW EXH.48

The present application is filed by the applicants to bring legal representatives (L.R.s) of plaintiff on record.

2) The applicant contended that, plaintiff Dnynesh Vasantrya Dixit was expired on 16/05/2022. Hence the applicants prayed that they permitted to bring legal representatives of deceased plaintiff on record.

3) The defendant failed to filed to say on the present application hence order was passed to proceed with the application without say of the defendant.

4) Perused application. As per the contention of the applicant, plaintiff Dnynesh Vasantrya Dixit is expired on 16/05/2022. His death certificate is filed on record alongwith list of documents Exh.37. The present application is supported by affidavit at Exh.49. The applicant has filed application to set aside abatement against the plaintiff at Exh. 44 which is allowed. No prejudice will be caused to the defendant if the present application is allowed. Hence, the present application deserves to be allowed. Resultantly, I pass the following order :

ORDER

1. The application (Exh. 48) is allowed.
2. The applicants are allowed to bring legal representatives of deceased plaintiff Dnynesh Vasantrya Dixit on record.

Sd/-

Date :20/11/2023.

(A. C. Joshi)
Jt. Civil Judge J. D.,
Kallam.

ORDER BELOW EXH.46.

The present application is filed by the applicant for condonation of delay to bring legal representatives (L.R.s) of the plaintiff on record.

2. The applicant contends that, the plaintiff Dnynesh Vasantao Dixit was expired on 16/05/2022. The applicant has filed application at Exh. 48 to bring legal representatives of deceased plaintiff on record. However, there is delay in filing the said application. Hence, the suit is abated against the plaintiff. However in the interest of justice it is necessary to bring legal representatives of deceased plaintiff on record. Hence the applicant prayed that delay to bring legal representatives of deceased plaintiff on record be condoned.

3. The defendant failed to filed to say on the present application hence order was passed to proceed with the application without say of the defendant.

4. Perused application. As per the contention of the plaintiff Dnynesh Vasantao Dixit is expired on 16/05/2022. His death certificate is filed on record. The present application is supported by affidavit at Exh.47. No prejudice will be caused to the defendant if the present application is allowed. Hence, the present application deserves to be allowed. Resultantly, I pass the following order :

ORDER

The application (Exh. 46) is allowed.

Date : 20.11.2023

Sd/-
(A. C. Joshi)
2nd. Jt. Civil Judge,
J. D., Kallam.