

MHOS150004192013



ORDER BELOW EXH. 48

1. Perused the application. This is an application filed by plaintiff for condonation of delay in bringing the legal representative of the deceased defendant no. 3 namely Vasant Vithal Gophane on record.

2. It is contended that the defendant no. 3 died on 19.02.2023. The delay of 45 days has been caused in bringing the representatives of the deceased on record. The delay caused is not deliberate and it is caused due to summer vacation. Lastly, he prayed to allow the application. The defendants resisted the application contending that by order passed below Exh. 45 dated 06.07.2024, the application filed by the plaintiff seeking the permission for bringing the legal representative of deceased defendant No. 3 and consequential amendment in the plaint, came to be rejected. Therefore, the present application liable to be rejected.

3. Heard learned counsel for the plaintiff. Perused the record. The application is annexed with the affidavit of the plaintiff. The defendant No.3 died on 19.02.2023. Therefore, the plaintiff ought to have file the application for bringing his legal representative on record on or before 19.05.2023 as per Limitation Act. Now, by way of the present application, the plaintiff ask for condonation of delay instead of setting aside abatement order. However, having taking into consideration reason mentioned in the application and in the interest of

the justice, the following order is passed :-

ORDER

- 1) The abatement order passed against deceased defendant No. 3 is hereby set aside.

Date:-19/08/2024

sd/-
(Mayura V. Nimbalkar)
3rd Jt.Civil Judge J.D.,Paranda.