

CNR No. MHPU1400-1859-2022**Sachi Khashaba Dhore and Anr.****Vs.****Chandrakant Genba Shelke****ORDER BELOW EXH.15****In Reg. Civil Appeal No.39/2022**

This is application filed by appellants for condonation of delay in setting aside abatement order impliedly passed against appellant No.2 and for setting aside abatement order.

2] Read application and reply. Heard both Ld. Advocates. As pointed out by Ld. Advocate for respondent, deceased appellant No.2 is close relative of appellant No.1. Still appellant No.1 failed to brought on record L.R's of deceased appellant No.2 within time. But, on perusal of application it reveals that appellant No.2 was suffering from illness and expired at early age. So, the family members including appellant No.1 was in shock. Thus, the delay caused is properly explained by the appellant. The reasons given by the appellant are just and proper. So, I am of the view that, delay needs to be condoned.

3] Ld. Advocate for respondent prayed for costs. But, in the given facts and circumstances of the case, I am

of the view that, it would not be just and proper to award costs against appellant while condoning delay.

4] In this application, appellants have also prayed for setting aside abatement order impliedly passed against appellant No.2 As discussed above, I have already come to conclusion that delay needs to be condoned. Therefore, abatement order impliedly passed against appellant No.2 also needs to be set aside.

5] In view of my above discussion, application needs to be allowed. So, I proceed to pass following order :-

ORDER

- 1]** Application Exh.15 allowed.
- 2]** Delay caused in setting aside abatement order impliedly passed against appellant No.2 is hereby set aside.
- 3]** Abatement order impliedly passed against appellant No.2 is set aside.

Date : 07/03/2025.
Baramati.

(Surekha Patil)
Adhoc District Judge-1,
Baramati, Dist.Pune.

“CERTIFICATE”

I affirm that the contents of this PDF file are same word for word as per original :-

Name of Steno : **Jagadish Narayan Kanki,**
(Stenographer Grade - I)

Court name : **Surekha R. Patil.**
Addl. Sessions Judge, Baramati

Judgment delivered on : **07/03/2025**

Judgment signed by PO on : **10/03/2025**

Judgment uploaded on : **10/03/2025.**