

Order below Exh. 153 in R.C.S no. 232 of 2012

The present application is filed by the plaintiffs to set aside abatement of the suit against the plaintiff no. 6.

2. It is contended by plaintiffs that plaintiff no. 6 died on 09.03.2020. Thereafter there was outbreak of pandemic of COVID-19 and therefore, legal heirs of plaintiff no. 6 could not be brought on record within time. If the said abatement is not set aside, they would suffer irreparable loss. Hence prayed to allow the application.

3. Defendants resisted the application contending that plaintiffs have not given the application within stipulated time. No good cause is shown to set aside the abatement. Hence, they prayed for rejection of the application.

4. Perused the application and say. Heard.

5. From the perusal of the record, it is apparent that the suit is pertaining to declaration and permanent injunction. Plaintiffs have given reasonable explanation to set aside abatement. There is nothing on record to infer that conduct of plaintiffs is malafide regarding this application. To avoid the multiplicity of the proceedings and to determine the real question in controversy between the parties, the present application needs to be allowed.

Accordingly, the following order is passed :

ORDER

The application (Exh. 153) is allowed and abatement against plaintiff no. 6 is hereby set aside.

Sd/-

Pen
Date: 09.11.2021

(Pritesh Deshpande)
Jt. Civil Judge,(J.D), Pen