



COMMON ORDER BELOW EXHS.73 & 75

- 1) The plaintiff has filed application below Exh.73 for setting aside abatement order and prayed for bringing legal representatives of deceased plaintiff No.1 But, there is delay to bring the legal representative on record plaintiff has filed application after expiry of limitation period as The plaintiffs have filed application below Exh.75 for condonation of delay for bringing legal representatives of deceased plaintiff No.1.
- 2) Perused the applications below Exhs.73 and 75. The defendants filed their say on those applications and objected for the same .
- 3) On simple perusal of applications at Exh. 73 and 75, it seen that deceased plaintiff No.1 is died on 03/10/2020 in Covid-19 Pandemic and they could not get the death certificate within stipulated time Hence, it is very difficult to the plaintiff to collect death certificate. The plaintiff has also filed affidavit in support of his contention at Exh.74 and 76. In short, the plaintiff has mentioned sufficient cause for causing delay to move an application below Exh.75 within limitation period. Further as per

Order XXII Rule 3 on the death of the plaintiff the right to sue survives the court on an application made in that behalf, shall cause the legal representative of the deceased plaintiff No.01 to bring the legal representative mentioned in application at no.1 to 6 who are the husband and children of the deceased plaintiff no.1 made parties and shall proceed with the suit. So, in the interest of justice, applications below Exhs.73 and 75 deserve to be allowed. Therefore, I pass following order.

: O R D E R :

- 1) The applications at Exhs.73 and 75 are hereby allowed.
- 2) Delay caused for moving an application for taking Legal representative of plaintiff no.1 is hereby condoned.
- 3) The plaintiffs shall be permitted to bring legal representatives of deceased plaintiff No.1 on the record on or before next date.
- 4) The plaintiffs shall carry out proposed amendment for bringing legal representatives of deceased plaintiff No.1 on record on or before next date.
- 5) The plaintiffs shall submit copy of amended plaint on or before next date without any failure.

Date:- 06/01/2023

(Megha C. Hasge)
Jt. Civil Judge (J.D), Roha