

MHRG090006172018



Regular Civil Suit 72/2018

Lata Laxman Dhabhade

Vs. Bhagwan Pithaji Dhabhade

Order below Exh.18

This is an application filed by plaintiff for setting aside 'abatement order'.

2) It is submitted that during the pendency of suit defendant died on 13-04-2021 his legal representative could not be brought on record within time due to Covid-19 pandemic as the plaintiff could not get the death certificate within limitation. The delay was not intentional and deliberate one. Hence, it is prayed that the abatement be set aside.

3) The application is objected by advocate for defendant the reason shown by the plaintiff for delay are not proper and illegal.

4) Perused the application, say, record and heard both the sides. It is true that there is delay in filing the present application. The reason of not getting the death certificate in time is shown. The application is supported by affidavit. It is always desirable to decide the matter on its merit by affording ample opportunity to the parties and without going into technicality. Considering the above aspect, in my view, the application deserves to be allowed. Hence, I proceed to pass the following order.

Order

The abatement against defendant is set aside.

Date: 04/01/2023.

(Megha C. Hasge)
Civil Judge Junior Division
Roha-Raigad