



RCS NO.59/2017

Dhoundu Bhoir vs Parshuram

CNR No.MHRG090006532017

Order below Exh.38 and 40

(Passed on 06.09.2023)

This is an application filed by plaintiff for setting aside abatement and for condonation of delay .

02. It is submitted that during the pendency of suit plaintiff No.2 Mrs. Deepa @ Indira Tukaram Bhoir is died. There are three legal heirs of the plaintiff no.2 they are 1. Sunil, Lata and Suvarna. Hence, the plaintiff is prayed to implead the legal heirs names on record of deceased plaintiff no.2. Their L.R.s could not be brought on record within time lack of knowledge of the plaintiff further the plaintiff could not get knowledge of his heirs within limitation. The delay was not intentional and deliberate one. Hence, it is prayed that the abatement be set aside and delay be condone.

03. The defendant has filed say that, it is impossible to believe that, the plaintiff is not aware about the legal heirs of the plaintiff no.2 and objected for the same.

04. 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 knowlege of legal heirs 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 plaintiff No.02 is set aside and delay is hereby condone.

Sd/-

(Megha C.Hasge)

Jt. Civil Judge, J.D., Roha.

Date :06.09.2023

Place: Roha.