



Common order below Ex. 16,18 & 20 in R.C.S.

No.64/2018

1. By these applications, applicant prayed for condonation of delay in bringing LR's of deceased Plaintiff no.1 on record, for setting aside abatement and the LR'S of deceased plaintiff no.1 shall made party as plaintiff in the suit under order XXII Rule 03 of Code of Civil Procedure.

2. Defendant no.2 strongly objected the applications by filing say on back leaf of the application and contended that delay is not properly explained and the present applications are not filed within limitation. There is 01 year 04 months and 05 days inordinate delay is caused for filing of these applications. Hence, applications are barred by law of limitation and Plaintiff has knowledge about the same. Hence, prayed for the rejection of these applications with heavy costs.

3. Perused the relevant record. Heard the both sides.

4. Considered the facts and circumstances of the case. These applications are supported with the affidavit of LR's of deceased plaintiff. Applicant contended that, Plaintiff was died on 09/05/2021. Due to the lock down of covid-19 Pandemic and continuous illness of deceased plaintiff's wife, LR'S of deceased plaintiff failed to inform the fact of death of plaintiff no.1 to their advocate. Therefore, after demise of plaintiff no.1 to bring

LR's on record delay has been caused.

5. On perusal of record it shows that, the suit is filed for the specific performance of contract and perpetual injunction. Considering the reason of covid-19 pandemic, delay caused in bringing LR'S on record, though it is inordinate delay but is not appearing deliberate. Hence, the LRs of deceased plaintiff are required to be brought on record for final adjudication of the matter on merits. Hence, the order.-

:- ORDER :-

1. Applications are allowed.
2. Delay cause in bringing LR's of deceased plaintiff is condoned subject to costs of Rs.500/- be paid to the defendant. Costs shall be paid on or before next date.
3. Abatement is set aside.
4. The LR'S of deceased plaintiff shall made party as plaintiff in the suit as per order XXII Rule 03 of Code of Civil Procedure.
5. Plaintiff shall carry out necessary amendment on or before next date.

Date: 30/01/2023.

(M.S. Pathare)
2nd Jt. Civil Judge J.D,
Mangaon.