

MHRG110004292017



COMMON ORDER BELOW EXHS. 32, 34 AND EXH. 36
IN R. C. S. NO. 62/2017
(Passed on 14.07.2023)

These are applications filed by the plaintiffs for condonation of delay in filing application for setting aside abatement order, setting aside abatement order and to bring legal representative of the deceased defendant Indira Vaidya on record. The defendant filed say and strongly objected the applications.

2. The plaintiffs submitted that, the defendant is died, on perusal of death certificate it appears that, the deceased defendant Indira Vaidya is died on 02.03.2023. The plaintiffs subimitted that, the time is spend for collecting information and knowledge regarding the legal representative of the deaceased defendant. Therefore, they could not filed applications within period. Hence, legal representatives of the deceased defendant could not bring on record within stipulated period. The applicants have given justifiable cause for not filing applications within time limit provided for brining legal representative on record. If the applications allow no prejudice will caused to other side, nature of the suit will not change and it is necessary to decide matter properly. So far as, delay in filing said application is concerned, by awarding costs to the plaintiffs, it will suffice the purpose. Hence,

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R. C. S. No. 62/2017
Shivaji and ors V/s. Indira

in the interest of the justice, I pass following order.

ORDER

1. Application at Exh. 32, 34 and Exh. 36 are allowed subject to costs of Rs. 100/- (One Hundred Rupees only) to be given to the defendants.
2. The plaintiffs are allowed to bring legal heirs of the deceased defendant Indira Vaidya on record.
3. The plaintiffs to comply order on or before next date and thereafter file amended copies of plaint along with copies for legal representative of the deceased defendant.

Mangaon,
Date : 14.07.2023

(G. C. Fulzalke)
Joint Civil Judge Junior Division,
Mangaon, Dist. Raigad.