

MHRG140002102012



Order below Exhibit 75 & 77

in

RCS No. 111/2012

(Passed on 25.09.2024)

1. These applications at Exhibit 75 and 77 are to set aside abatement against plaintiff no.9 as he has expired on 22.04.2023 and to condone the delay to bring his legal heirs on record.
2. It is submitted that plaintiff no.9 passed away on 22.04.2023. Since information was not provided, the legal heirs of the deceased plaintiff no.9 could not be brought on record. It is assumed that since the application to bring legal heirs on record was not filed within the time limit, the suit is abated against plaintiff no.9. The legal heirs of deceased plaintiff no.9 is required to be brought on record and therefore delay to bring legal heirs of deceased plaintiff no.9 is required to be condoned. Therefore, the said applications need to be allowed.
3. The defendants have objected stating that the matter was kept for dismissal and now this application has been filed. There is no reason to file this application. Therefore, it may be rejected.
4. Perused the applications. Heard the Ld. Advocates for the

(Order below Exhibit 75 and 77 in R.C.S no. 111/2012)

plaintiffs and defendants.

5. It is submitted that the plaintiff no.9 has died on 22.04.2023. Since, no information was provided to the other plaintiffs, legal heirs of plaintiff no.9 could not be brought on record within the time limit. There is a delay of almost one year in bringing legal heirs of plaintiff no.9 on record.
6. Considering the above facts, the applications deserves to be allowed. However, the delay needs to be compensated. Hence, I proceed to pass the following order:

:: Order ::

1. Applications at Exhibit 75 and 77 are allowed.
2. The abatement against plaintiff no.9 is set aside and the delay to bring legal heirs of plaintiff no.9 is condoned subject to cost of Rs. 1000/- to be paid to the defendants.

Place:Uran
Date : 25.09.2024

(Ms. G. K. R. Tandon)
2nd Jt Civil Judge, J.D.,
Uran