

MHRG140006962013



R.C.S. No. 152/2013

Order below Exh. 53

This is an application to condone delay for setting aside abatement.

2. The defendant no. 14 died on 14.10.2020. As plaintiffs came to know about said fact on 20.06.2022, legal heirs were not brought on record in time. Therefore, the suit was abated. There is delay of 134 days in setting aside abatement.

3. The application is opposed on the ground that the plaintiff and defendants are relatives. Plaintiffs were aware of the fact of death of the defendant no. 14. No justifiable reason mentioned in the application.

4. Perused the application and record. It is seen that there is inordinate delay of 134 days. However, considering reasons, opportunity needs to be given to plaintiffs in the interest of justice and for the just decision of the case on merits. However, delay needs to be compensated. Hence, the application is allowed subject to costs of Rs. 500/-.

Uran,
Date : 02.08.2023

(Vikas D. Bade)
Civil Judge, J.D., Uran