

: COMMON ORDER BELOW EXH.13, 15 & 17 IN REG. CIVIL APPEAL. NO.7/2021 :

1) The application at Exh.13 is filed by the heirs of appellants to set aside the abatement of this appeal against appellant no.1, application Exh.15 is filed by the heirs of appellant no.1 to condone the delay, caused to bring on record legal heirs of appellant no.1, within time and application no.17 is filed to bring the legal heirs of a Ramdas Bhaguram Pawar on record.

2) Perused the applications. Heard Ld. Advocate Shri. M. V. Metha for the appellants and Ld. Advocate Shri. Jhetam for the respondent.

3) It is contended in said applications that appellant no.1 Ramdas Bhaguram Pawar died on 09.05.2021. However, due to Covid-19 pandemic, the legal heirs of appellant no.1 were not in a position to bring their names on record till 08.10.2021 and therefore, the appeal stands abated against appellant no.1. However, now they want to bring the legal heirs of appellant no.1 on record, for which delay of 4 months 4 days have been caused and they have prayed to condone the said delay and to bring on record legal heirs of appellant no.1 Ramdas Bhaguram Pawar.

4) The respondent has filed say on applications at Exh.13 & 15 contending that already 7 months period lapse after demise of appellant no.1. The legal heirs have not been taken on record within time. Suit abated against appellant no.1. Hence, applications

be rejected with costs.

5) On perusal of record it seems that appellant no.1 Ramdas Bhaguram Pawar died on 09.05.2021. According the applicants, due to Covid-19 pandemic they couldn't bring on record, legal heirs of appellant no.1 Ramdas Bhaguram Pawar, within time and the delay has been caused.

6) The Hon'ble Supreme Court has given Guidelines in Miscellaneous Application No.665 of 2021 in SMW(C) No. 3 of 2020 dated 23.09.2021, about computing the period of limitation for filing any suit, appeal, application or proceeding. As per the said Guidelines, in case where the limitation would have expired during the period between 15.03.2020 to 02.10.2021, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 03.10.2021. Thus, the Hon'ble Apex Court has extended the period of limitation for filing any suit, appeal, application or proceeding, during the period 15.03.2020 to 02.10.2021.

7) The applications Exh.13, 15 & 17 are filed on 15.12.2021 i.e. within 90 days from 03.10.2021. So technically in view of these directions of Hon'ble Supreme Court, there is no delay to bring on record legal heirs of appellant no.1 Ramdas Bhaguram Pawar. So, in view of the same and reasons mentioned by the applicants, I find both applications at Exh.13 & 15 deserve to be allowed in the interest of justice. Hence, proceed to pass the

following order :-

: O R D E R :

- 1) The applications at Exh.13, 15 & 17 are allowed.
- 2) The abatement of appeal against appellant no.1 Ramdas Bhaguram Pawar is hereby set aside.
- 3) The delay caused to bring on record legal heirs of appellant no.1 Ramdas Bhaguram Pawar, is hereby condoned.
- 4) The Legal heirs of appellant no.1 Ramdas Bhaguram Pawar, be brought on record, within 14 days from passing of this order. The appellants to carry out necessary amendment in Appeal Memo.

(Dictated and pronounced in open Court)

Mangaon.
Date : 05.01.2022.

(Priya P. Bankar)
District Judge-2, Mangaon
District-Raigad