

MHRG010028472013



Reg. Civil Appeal No. 234/2013
Pratibha Sadashiv Konzarkar & Ors.
Vs.
Prabhakar Gharu Rane and 14

:: COMMON ORDER BELOW EXH. 51, 53 & 55::

01. Heard Ld. Advocate Shri. Lele for Appellant, Advocate Smt. Tejasvi Roge for proposed Respondent No. 7/1 and 7/2.

02. Application at Exh.51 is for condonation of delay to bring on record legal heirs of Respondent No.7. Application at Exh.53 is for setting aside abatement order as regards Respondent No.7 and Exh. 55 is to bring on record the legal heirs of deceased Respondent No.7. Respondent No.7-Smt. Rashmi Shashikant More died on 12/10/2021 leaving behind legal heirs viz. Shashikant Shankar More and Niraj Shashikant More.

03. Ld. Adv. Shri. Lele submit that, Respondent No.7 died on 12/10/2021, & to get the death certificate of Respondent No.7, much time was spent due to lock-down on the count of Corona Virus & that the Appellant has shown sufficient reason for condonation of delay and for setting aside abatement.

04. Proposed Respondent No.7/1 and 7/2 filed say to the effect that they have no objection if they are brought on

record as legal heirs of Respondent No.7.

05. Sufficient cause is shown for condonation of delay in taking out this application to bring on record legal heirs of Respondent No.7 and for setting aside abatement. Moreover, the proposed Respondent No. 7/1 and 7/2 has no objection if the amendment sought is allowed. Cause of action continues. Hence, delay in taking out present application at Exh.51, deserves to be condoned. For the reason shown, abatement deserves to be set-aside and amendment as sought by Appellant, deserves to be allowed. Hence, consequently I pass following order. :-

:: ORDER ::

1. Applications Exh. 51,53 and 55 are allowed.
2. Delay caused in taking out present application at Exh.51 is condoned.
3. The deemed abatement of appeal is set aside, in view of averments in application at Exh. 53.
4. Appellant is directed to bring on record the names of the legal representative of deceased Respondent No. 7 as stated in application at Exh.55, within 1 (one) week and to carry out the amendment suitably in Appeal memo.
5. Amended appeal memo be made available on record and the copy of amended appeal memo be provided to the Respondents.
6. Applications Exh. 51, 53 and 55 stands disposed off accordingly.

sd/-

Alibag.

Date :-22.04.2026

(R. D. Sawant)

Principal District Judge,
Raigad-Alibag