

CNR NO.MHRT04-000343-2019

ORDER BELOW EXH. 10 IN REGULAR CIVIL
APPEAL NO. 27 OF 2019

Archana Amburle

Appellant

Versus

Aparna Dudham

Respondent

1. Through this application the applicants are seeking setting-aside of abatement of this appeal. The application is resisted by the respondent.

2. Heard learned Advocates for both sides.

3. In the present appeal the original appellant has died on 28.07.2019. But, her LR's has not brought on record within contemplated period. Therefore, though there is no effective order, the present appeal is automatically abated for want of LR's on record. The reasons for delay that both daughters residing at their matrimonial home respectively after the marriage, some sustained a shock due to sudden death of appellant mother and husband of deceased appellant is physically and mentally ill. The reason given, is supported by affidavit. There is 16 days delay in bringing the LR's of deceased appellant. The reason given appears to be cogent and probable. I do not find any deliberate delay and inaction. On the other hand, appellants are very much interested to proceed with the appeal. In my considered view, it will be just and proper to set-aside abatement, so as to adjudicate the dispute instead of throwing the same for some technical difficulties. Hence, the order.

ORDER

1. The application is allowed.
2. The abatement of the present appeal stands set-aside and appeal is restored to its same number.

Khed.

Date :- 08.01.2020

(D. L. Nikam)

District Judge -2, Khed,
Tal. Khed, Dist. Ratnagiri.

I affirm that, contents of this P.D.F.file Judgment / order are same, word to word, as per the original Judgment / order.

Name of the Grade II Stenographer (On deputation)	Mr.Sandeep S. Patil
Name of the Court	Mr. D. L. Nikam District Judge-2, Khed, Dist.R'giri.
Date of Pronouncement	08.01.2020
Judgment Signed On	08.01.2020
Judgment Uploaded On	08.01.2020