

CNR NO.MHRT04-000585-2016

ORDER BELOW EXH. 18 IN REGULAR CIVIL
APPEAL NO. 102 OF 2016

Narendra Yelave and ors.

Appellants

Versus

Ramesh Yelave

Respondent

1. Through this application the applicant is 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 no.1 has died on 14.08.2018. But, his LR's have 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 the mother of appellant no.1 is very old aged and she is always ill and she received mental shock as her son passed away. Further, due to pandemic situation arising out of COVID-19 from last several months all the institutions were closed and therefore, applicant could not attend the Court and proceed further. The reason given, is supported by affidavit. There is delay of more than 1 year in bringing the LR's of deceased appellant no.1. 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.

Khed.

Date :- 03.02.2021

(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 I Stenographer	Mr.Sandeep S. Patil
Name of the Court	Mr. D. L. Nikam District Judge-2, Khed, Dist.R'giri.
Date of Pronouncement	03.02.2021
Judgment Signed On	03.02.2021
Judgment Uploaded On	04.02.2021