



Common Order below Exh.102 & 104 in R.C.S No.17/2017
(CNR No.MHRT 080001722017)

- 1) These applications are filed for setting aside abatement order under O.22 R. 4(5) (b) of Code of Civil Procedure, 1908 and permission to bring legal representatives of deceased defendant no. 17 on record.
- 2) It is submitted vide this applications that, on 13/10/2020 defendant no. 17 Anita Prakash Chavan is died. Due to outbreak of Covid-19 some delay is occurred for bringing legal representatives of deceased defendant no. 17 on record. Defendant no.17A Prakash Raghunath Chavan and defendant no. 17B Mahesh Prakash Chavan are legal representatives of deceased defendant no.17. But there is delay to bring legal representatives of defendant no.17 on record therefore suit is abated. Therefore, plaintiff prayed for allow this application.
- 3) After service of notices proposed defendants no. 17A and 17B did not appear, hence no say order is passed against them.
- 4) Heard the Learned advocate for plaintiff and defendants. Perused the application & record. The death extract is on record at Exh.101/1. It is revealed from the said record that Anita Prakash Chavan is died on 13/10/2020 and application is filed on 15/2/2021 i.e beyond 90 days from the date of death of defendant no.17. The plaintiff is submitted that due to outbreak of Covid-19 delay is occurred for bringing legal representatives of defendant no. 17. Considering the reason it seems that plaintiff had sufficient

cause which prevented him from making application for bringing legal representatives on record. The abatement needs to be set aside.

5) In order to enable the court to effectively and completely adjudicate upon and settled all the questions involved in the suit, it is necessary to allow the application to bring on record the legal representatives of deceased defendant no.17. There are no other representative except those named in the application. Therefore, it is necessary to allow the application in the interest of justice. Hence, I pass following order :-

ORDER

- 1) Applications at exh.102 & 104 are allowed.
- 2) The abatement order passed against the defendant no. 17 is set aside.
- 3) The plaintiff is allowed to bring the legal representatives of deceased defendant no.17 on record of this suit on or before next date.
- 4) Plaintiff to furnish amendment plaint & of copies thereof.

Date : 25.10.2021

(P.V.Patil)
Civil Judge,Deorukh.

- : C E R T I F I C A T E : -

(Order below Exh. 102 &104 in R.C.S No.17/2017)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer :- A.A.Shivalkar

Court Name :- The Court of Civil Judge (J.D.) &
Judicial Magistrate F.C., Deorukh

Date of decision :- 25/10/2021

Order signed by PO. on :- 25/10/2021

Order uploaded on :- 27/10/2021