



ORDER BELOW EXH. 23

Applicant has filed this application for condonation of delay caused for setting aside abatement order against appellant. It is contended that appellant was father of applicant and he died on 06.12.2022. Recently when the applicant gone through the documents he came to know about this appeal. The delay is of 180 days. If it should not be condoned it will cause injustice to applicant and he will suffer irreparable loss. Hence, prayed for condonation of delay to set aside abatement order.

02. Respondent has filed say at Exh.25 and objected the application. It is contended that R. C. S. No.12/2007 was filed by appellant to harass the respondent corporation. Said appeal is pending for 7 years. The reason given for delay is not reasonable. Applicant was residing with appellant. He is very well aware about this appeal. Hence, prayed for rejecting the application with heavy costs.

03. Perused application and say. Perused record. As per contention of the applicant, recently he came to know about this appeal. The reason mentioned in the application is not satisfactory. But to resolve the dispute on merit and to avoid the multiplicity of proceeding it will be just and proper to allow the application by imposing costs on applicant. In the result, I pass following order.

ORDER

The application is allowed subject to costs of
Rs. 500/- payable to the respondent.

Sindhudurg
Date – 15/12/2023

Sd/-xxx
(V. S. Deshmukh)
District Judge-2,
Sindhudurg-Oros.

R. C. A. 90 of 2016



ORDER BELOW EXH. 26

Applicant has filed this application for setting aside abatement order against appellant. It is contended that appellant was father of applicant and he died on 06.12.2022. Recently when the applicant gone through the documents he came to know about this appeal. The delay is of 180 days. Due to this delay appeal is abated against appellant. If said abatement is not set aside, it will cause irreparable loss to applicant. Hence, prayed for setting aside abatement order.

02. Respondent has filed say at Exh.28 and objected the application. It is contended that, R. C. S. No.12/2007 was filed by appellant to harass the respondent corporation. Said appeal is pending for 7 years. Appellant was serving in respondent corporation as trackman , therefore he is very well aware about the respondent and the present appeal. Due to negligence of applicant delay is caused. The reason given for delay is not reasonable. Hence, prayed for rejecting the application.

03. Perused application and say. Perused record. As per contention of the applicant, recently he came to know about this appeal. The reason mentioned in the application is not satisfactory. But to resolve the dispute on merit and to avoid the multiplicity of proceeding it will be just and proper to allow the application by imposing costs on applicant. In the result, I pass following order.

ORDER

The application is allowed subject to costs of
Rs. 500/- payable to the respondent.

Sindhudurg
Date – 15/12/2023

Sd/-xxx
(V. S. Deshmukh)
District Judge-2,
Sindhudurg-Oros.

R. C. A. 90 of 2016



ORDER BELOW EXH. 27

Applicant has filed this application for permission to bring on record legal representatives of appellant. It is contended that appellant was father of applicant and he died on 06.12.2022. After his death the proposed legal representatives at Sr. No. 1 to 7 mentioned in the application are the only legal representatives of deceased appellant. If legal representatives of appellant are not brought on record it will cause injustice to applicant. Hence, prayed for permission to bring the legal representatives of appellant on record and to amend the appeal memo.

02. Respondent has filed say at Exh.28 and objected the application. It is contended that, R. C. S. No.12/2007 was filed by appellant to harass the respondent corporation. Said appeal is pending for 7 years. Appellant was serving in respondent corporation as trackman , therefore he is very well aware about the respondent and the present appeal. Due to negligence of applicant delay is caused. The reason given for delay is not reasonable. Hence, prayed for rejecting the application.

03. Perused application and say. Perused record. Delay is condoned vide order below Exh.23 and abatement is also set aside vide order below Exh.26. Respondent has not objected that the proposed legal representatives are not the legal heirs of deceased appellant. To resolve the dispute on merit it is essential to bring the legal representatives of appellant on record. Hence, it will be just and proper to allow the application by imposing costs on applicant. In the result, I pass following order.

ORDER

1. The application is allowed subject to costs of Rs. 500/- payable to the respondent.
2. The legal representatives of appellant be brought on record and accordingly appeal memo be amended within prescribed period.

Sindhudurg
Date – 15/12/2023

Sd/-xxx
(V. S. Deshmukh)
District Judge-2,
Sindhudurg-Oros.