



ORDER BELOW EXH.56

This is an application filed on behalf of appellant for condonation of delay caused for setting aside abatement against respondent No.4. Respondent No.4 died on 03.04.2022. Appellant was ill and time is taken to procure death certificate of deceased respondent No.4. Due to it he could not take steps to bring the legal representatives on record. Therefore delay is caused. Hence, prayed for condonation of delay to set aside abatement order.

02. Respondents have filed their say and objected the application on the ground that the application is filed after 2 years, death certificate is issued on 06.04.2022, therefore reason given is false. Hence prayed to reject the application.

03. Perused the application and say. Perused record. Respondent No.4 died on 03.04.2022 and this application is filed on 28.02.2024. The reason given for delay is not sufficient and 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 in the interest of justice. In the result, I pass following order.

ORDER

1. The application is allowed.
2. No order as to costs.

Sindhudurg
Date – 09.07.2024.

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



ORDER BELOW EXH.63

This is an application filed on behalf of appellant for setting aside abatement against respondent No.4. Respondent No.4 died on 03.04.2022. Appellant was ill and time is taken to procure death certificate of deceased respondent No.4. Due to it he could not take steps to bring the legal representatives on record. Therefore delay is caused. Hence, prayed to set aside abatement order.

02. Respondents have filed their say and objected the application on the ground that the application is filed after 2 years, death certificate is issued on 06.04.2022, therefore reason given is false. Hence prayed to reject the application.

03. Perused the application and say. Perused record. Respondent No.4 died on 03.04.2022 and this application is filed on 28.02.2024. The reason given for delay is not sufficient and 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 in the interest of justice. In the result, I pass following order.

ORDER

1. The application is allowed.
2. No order as to costs.

Sindhudurg
Date – 09.07.2024.

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



ORDER BELOW EXH.64

This is an application filed on behalf of appellant for permission to bring on record the legal representatives of respondent No.4. Respondent No.4 died on 03.04.2022. Proposed respondent No. 4A Sagun Vishnu Palav is the only legal representative of respondent No.4. Hence, prayed for permission to bring him on record and to amend the appeal memo accordingly.

02. Respondents have not filed say to this application.

03. Perused the application and say. Perused record. Delay is condoned and abatement is set aside vide orders below Exh.56 and 63 respectively. Hence, it is just and proper to allow the application. In the result, I pass following order.

ORDER

1. The application is allowed.
2. Appellant to bring the legal representative of respondent No.4.
3. No order as to costs.

Sindhudurg
Date – 09.07.2024.

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