



ORDER BELOW EXH.22

Applicant has filed this application for condonation of delay caused for setting aside abatement against opponents No.2, 3 and 12. It is contended that opponent No.2 Dhondu Tanu Bandarkar died on 04.11.2012, opponent No.3 Yesu alias Sitabai Govind Mahadik died on 21.06.2009 and opponent No.12 Madhukar Ganpat Teli died on 17.09.2016. Applicant tried to collect death certificates and the information about legal representatives. Applicant was suffering from high blood pressure and diabetes. The delay was not deliberate. Hence, prayed for condonation of delay to set aside abatement against opponents No.2, 3 and 12.

02. Opponents have objected this application and prayed for rejection of the same.

03. Perused the application and say. Perused record. Perused the copy of death certificates of the opponent No.2, 3 and 12. This application is filed on 29.07.2019. Admittedly there is delay. The reason mentioned in the application for delay is not satisfactory and sufficient. But opponents have not strongly objected this application. Therefore 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 result, I pass following order.

ORDER

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

Sindhudurg
Date – 30/01/2024

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



ORDER BELOW EXH. 23

Applicant has filed this application for setting aside abatement order against opponents No.2, 3 and 12. It is contended that opponent No.2 Dhondu Tanu Bandarkar died on 04.11.2012, opponent No.3 Yesu alias Sitabai Govind Mahadik died on 21.06.2009 and opponent No.12 Madhukar Ganpat Teli died on 17.09.2016. Applicant tried to collect death certificates and the information about legal representatives. Applicant was suffering from high blood pressure and diabetes. The delay was not deliberate. Hence, prayed for setting aside abatement against opponents No.2, 3 and 12.

02. Opponents have objected this application and prayed for rejection of the same.

03. Perused the application and say. Perused record. Perused the copy of death certificates of the opponent No.2, 3 and 12. This application is filed on 29.07.2019. Admittedly there is delay. The reason mentioned in the application for delay is not satisfactory and sufficient. But opponents have not strongly objected this application. Therefore 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 result, I pass following order.

ORDER

1. The application is allowed.

2. No order as to costs.

Sindhudurg
Date – 30/01/2024

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



ORDER BELOW EXH. 24

Applicant has filed this application for permission to bring on record the legal representatives of opponents No.2, 3 and 12 and to amend the main application accordingly. It is contended that opponent No. 2 Dhondu Tanu Bandarkar died on 04.11.2012, opponent No.3 Yesu alias Sitabai Govind Mahadik died on 21.06.2009 and opponent No.12 Madhukar Ganpat Teli died on 17.09.2016. The proposed opponent mentioned in the application are the only legal representatives of respective opponents. Hence, prayed for permission to bring the same on record and to amend the appeal memo accordingly.

02. Opponents filed their say and prayed to reject the application.

03. Delay is condoned and abatement is also set aside vide orders below Exhs. 22 and 23 respectively. To resolve the dispute on merit and to avoid the multiplicity of proceeding, it is essential to bring the legal representatives on record. Opponents have not objected that the proposed legal representatives are not the legal heirs of deceased opponents No.2, 3 and 12 respectively. The amendment sought is of formal nature. Hence, it will be just and proper to allow the application. In the result, I pass following order.

ORDER

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

3. Applicant to bring the legal representatives of
opponents No.2, 3 and 12 on record within prescribed
period.

Sd/-xxx

Sindhudurg
Date – 30/01/2024

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