



ORDER BELOW EXH.49

Applicant has filed this application for condonation of delay caused for setting aside abatement against opponent No.1. It is contended that opponent No.1 Krishna Tanu Bandarkar died on 07.03.2018, Applicant tried to collect his death certificate and the information about his legal representatives. But 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 opponent No.1.

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 certificate of the opponent No.1. This application is filed on 17.02.2020. 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. 50

Applicant has filed this application for setting aside abatement order against opponent No.1. It is contended that opponent No.1 Krishna Tanu Bandarkar died on 07.03.2018. Applicant tried to collect the death certificate and the information about his legal representatives. But applicant was suffering from high blood pressure and diabetes. The delay was not deliberate. Hence, prayed for setting aside abatement against opponent No.1.

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 certificate of the opponent No.1. This application is filed on 17.02.2020. 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.

Sd/-xxx

Sindhudurg
Date – 30/01/2024

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



ORDER BELOW EXH. 51

Applicant has filed this application for permission to bring on record the legal representatives of opponent No.1 and to amend the main application accordingly. It is contended that opponent No.1 Krishna Tanu Bandarkar died on 07.03.2018. The proposed opponent mentioned in the application is the only legal representatives of opponent No.1. Hence, prayed for permission to bring the same on record and to amend the application 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. 49 and 50 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 representative is not the legal heir of deceased opponent No.1. 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 opponent No.1 on record within prescribed period.

Sd/-xxx

Sindhudurg
Date – 30/01/2024

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

