

CNR No. MHSI070000492013

Order passed below Exh. No.146

in R.C.S. No.14/2013

This is an application preferred by the plaintiff to condone the delay to file an application to set aside abatement.

02. The plaintiff has contended that, on 10/06/2020 the defendant no.17 Vijay Shridhar Vengurlekar died. It is further contended that due to spread of COVID-19 national lockdown was imposed and restrictions were imposed on travel, therefore, he could not travel from Mumbai. Therefore, delay was caused to bring on record legal heirs of the deceased defendant no.17. Therefore, prayed to condone the delay.

2. Notices were issued to the proposed legal representative. The notices were duly served, but none appeared before the court, therefore, the application is proceeded without the say of proposed legal representative.

3. Heard the learned advocate for the plaintiff. As per the contents of the application, the defendant no.17 died on 10/06/2020. As per Article 120 of the Limitation Act, 1963, the plaintiff should have preferred the application to bring on legal representative of deceased defendant no.17 on record within the period of 90 days i.e. on or before 08/09/2020.

4. The Hon'ble Apex Court **In Re: Cognizance for extention of limitation Mis.Appl.No.29/2022, dated 10/01/2022** excluded period of limitation prescribed under in general or special laws for the period 15/03/2020 to 28/02/2022 due to surge of COVID-19. In view of the above direction period of 09/09/2020 to 08/03/2021 needs to be excluded while computing period of limitation. Thus, there is no delay is caused to prefer the application. Hence, the application is liable to be filed. Accordingly, I pass following order.

ORDER

The application at **Exh.146** stands filed.

(Pronounced and dictated in open Court.)

sd/-

Place - Malvan
Date - 11/03/2024

Mahesh R. Devkate
Civil Judge Jr.Dn., Malvan.