

Reg. Civil Appeal No. 23/2017

Bhimrao Rama Patil and ors

Vs.

Sharmao Rama Patil and ors.

ORDER BELOW EXH. 36

1. Perused the application, affidavit of applicant and say of respondents. Respondents have strongly resisted the application by filing say overleaf the application. Heard learned advocate for both the parties.

2] Appellants have filed this application to bring legal representatives of respondent No.1 Shamrao Rama Patil and respondent No. 6(A)4) Mohan Baburao Patil on record. On perusal of record it appears that appellants have made application for substitution of L.R.s. of deceased respondent Nos. 1 and 6(A)(4) after expiry of period specified therefor in the Limitation Act. In view of orders (Exh. 32 & 34) dated 06/12/2023 the applications for condonation of delay and for setting aside the abatement are allowed. The reason mentioned in the application for delay in bringing the L.R.s of the respondent No. 1 and 6(A)(4) appears to be true and genuine. Therefore in the peculiar circumstances of the case, it is necessary to make L.R.s of respondent No. 1 and 6(A)(4) as parties. Appellants have shown sufficient cause for not bringing L.Rs. of respondent No. 1 and 6(A)(4) within the period specified in the Limitation Act.

3] Taking into consideration the circumstances of the case and above reasons, it appears to be just and proper to allow the

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application. Therefore, the application deserve to be allowed in the interest of justice. Hence, following order is passed.

ORDER

1] The application is allowed.

2] Appellants to carry out amendment in appeal within 14 days from the date of this order.

Date : 12/06/2023

(Rajshri P. Pardeshi)
District Judge 2, Islampur.