

Reg. Civil Appeal No. 71/2018
Vasant Balku Patil & ors.
Vs.
Raghunath Bhau Patil & ors.

ORDER BELOW EXH. 65

Perused the application, affidavit (exh.66) of appellant No. 5(e) Dattatraya Balkrishna Mohite and say of respondent Nos. 1 to 3 filed overleaf the application. They have strongly resisted the application by filing say. Heard learned advocates of both the parties.

2] Applicants have filed this application to bring legal representatives of respondent No. 2 Rajaram Bhau Patil on record. On perusal of record it appears that applicants have made application for substitution of L.R.s. of deceased respondent No. 2 after expiry of period specified therefor in the Limitation Act. In view of orders (Exh. 61 & 63) dated 29/10/2021 the applications for condonation of delay and setting aside the abatement are allowed. The reason mentioned in the application for delay in bringing the L.R.s of the respondent No. 2 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. 2 as party. Applicants have shown sufficient cause for not bringing L.R.s of respondent No. 2 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 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] Applicants to carry out amendment in appeal within 14 days from the date of this order.

Sd/-

(Rajshri P. Pardeshi)

District Judge 2, Islampur.

Date : 29/10/2021

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	Shri B.M.Patil, steno, Gr.I
Court Name	:	Dist. Judge – 2 & Addl. Sessions Judge, Islampur.
Date	:	29/10/2021
Signed by P.O. on	:	29/10/2021
Uploaded on	:	29/10/2021