

[1]

CNRMHSN040009342020

Misc. Civil Appeal No. 34/2020

Shankar Krishna Khot and ors. Applicants
Vs.
Shobhatai Vilas Naikwadi and ors- Respondents

ORDER BELOW EXH. 15

1] Perused the application and say given on the overleaf of the application.

2] Heard learned advocate for appellant. The learned advocate for respondent when called absent. It is contended by the respondents in their say that reason given for delay is not proper and this application deserves to be rejected.

3] The advocate for appellants submitted that appellant No.1 is old person and due to his old age he was ill on so many times and therefore he could not give such information of death of appellant No.6 and 10 in time. He prayed for allowing application.

4] This is an application for condonation of delay in bringing application for taking legal representatives of appellant No.6 who died on 14-12-2021 and appellant No.10 who died on 07-02-2024 on record. There is delay of 5 months and 6 days delay for filing this application for bringing on record the legal representatives of appellant No.

[2]

6 and delay of 2 years and 7 months. Other appellants are on record. The reasons mentioned in the application for causing delay appears to be satisfactory so also the facts and circumstances of the original suit that the it is for right of access way, I find in the interest of justice by saddling cost, application can be allowed. Hence the following order-

ORDER

- 1] Application Exh. 15 is allowed.
- 2] The delay caused in moving application for bringing legal representatives of appellant No. 6 and 10 is condoned subject to cost of Rs. 500/-.
- 3] The appellants are directed to deposit the cost within 14 days.

Date : 23-06-2025

(Aniruddha Y. Thatte.)
District Judge-2 Islampur.

[3]

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Misc. Civil Appeal No. 34/2020

Shankar Krishna Khot and ors. Appellants
Vs.
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ORDER BELOW EXH. 17

1] Perused the application and say given overleaf the application.

2] Heard learned Advocate Shri. A.B. Patil for the appellants. When called respondents and their advocate absent.

3] It is contention of respondent in their say that that reason given for setting aside abatement is not proper and this application deserves to be rejected.

4] This court has condoned the delay by order on Exh. 15. The reasons given for setting aside abatement appears to be proper. Therefore it is fit case to set aside abatement. Hence the following order.

ORDER

1] Application Exh. 15 is allowed.

2] Abatement is set aside as prayed.

Date : 23-06-2025

(Aniruddha Y. Thatte.)
District Judge 2 Islampur.

[4]

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Misc. Civil Appeal No. 34/2020

Shankar Krishna Khot and ors. Appellants
Vs.
Shobhatai Vilas Naikwadi and ors- Respondents

ORDER BELOW EXH. 19

1] Perused the application and say given overleaf the application.

2] Heard learned Advocate Shri. A.B. Patil for the appellants. When called respondent and his advocate absent.

3] It is contended by the respondent in their say that reason given for bringing legal representative of appellant No.6 and 10 is not proper and this application deserves to be rejected.

4] This court by order below Exh. 15 and 1 has condoned the delay and set aside the abatement. Considering the nature of litigation and relation between proposed legal representatives and deceased, this application deserves to be allowed. Hence the following order-

ORDER

1] Application Exh. 19 is allowed.

2] Legal representative of deceased No.6 Mohan Madhukar Khot and appellant No.10 Chandrakant Ananda

[6]

Khot are allowed to be brought on record as prayed.

3] The appellants shall carry out amendment within 14 days from the date of this order and shall file on record a copy of amended appeal memo immediately.

Date : 23-06-2025.

(Aniruddha Y. Thatte.)
District Judge 2 Islampur.