

Reg. Civil Appeal No. 23/2017

Babaso Bhimrao Patil and ors
Vs.
Sharmao Rama Patil and ors.

ORDER BELOW EXH. 34

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

2] On perusal of Death Certificates (Exh.29 and 30) it appears that the application is filed after the expiry of period specified in Limitation Act from the date of death of deceased respondent No. 6(A)4 Mohan Baburao Patil who is died on 26/10/2022 and respondent No.1 Shamrao Rama Patil who died on 14/11/2022. It appears from record that in view of order (Exh. 32) dated 12/06/2023, the application for condonation of delay for bringing the L.R.s of respondent Nos. 1 and 6(A)4 on record is allowed. The reason mentioned in the application in respect of delay caused in bringing L.R.s of deceased respondent Nos. 1 and 6(A)4 on record appears to be true and genuine. Thus, appellants have shown sufficient cause for not making the application within the period specified in the Code of Civil Procedure.

3. Taking into consideration the circumstances of the case and above reasons it appears to be just and proper to allow the application in the interest of justice. Hence, following order is passed.

[2]

Order

Application for setting aside the abatement is allowed.

Date : 12/06/2022

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