

ORDER BELOW EXH. 197 IN R.C.S.NO. 365/2000(Raghunath Jadhav and others Vs. Bhimrao Kamble and others)

CNR No.MHSN05-000116-2000

Present application is filed by the plaintiffs for setting-aside order of abatement against plaintiff no. 4.

2. Proposed LR's deceased plaintiff no. 4 appeared in the proceeding and filed common say at Exh. 197 stating that, they have no objection to grant the application.

3. Defendant no. 29 (a) to 29 (c) filed their common say at Exh. 197 stating that, they have no objection to bring on record legal heirs of deceased plaintiff no. 4.

4. Despite sufficient opportunity, defendant no. 17 (a) did not file her say on the application. Hence, I am deciding this application without say of defendant no. 17 (a) and on merits.

5. According to plaintiffs, after demise of plaintiff no. 4, due to Covid-19 pandemic and due to situation of Lok-down, it was impossible for the plaintiffs to bring on record LR's of deceased plaintiff no. 4. Hence, according to plaintiffs, order of abatement be set-aside.

6. Read the application and say. Hear both sides. On perusal of death extract of deceased plaintiff no. 4 namely Ramchandra Nana Chavan at Exh. 204/1, it reveals that, plaintiff no. 4 died on 20.04.2021. Delay caused in bringing the legal heir's of plaintiff no. 4 was condoned without imposing any cost. If order of abatement is not set-aside, then much prejudice would be caused to the plaintiffs and it ultimately results in multiplicity of the proceeding between the parties. No doubt, during the year 2021 there was Covid-19 pandemic situation all over Maharashtra. Considering all facts, I am of the view that, in order to adjudicate the matter on merits and in order to resolve on controversies between the parties and after taking in to

consideration cause of delay, it is just and proper to set-aside order of abatement without imposing any cost. In result, I pass the following order:-

ORDER

1. Application is allowed.
2. Order of abatement against plaintiff no. 4 is set-aside.

Islampur.
Date : 02.05.2022

(G.S.Diwan)
3rdJt.C. J. J. D, Islampur.

CERTIFICATE

I affirm that the contents of this Pdf file order is same word as per original order.

Name of Stenographer	:- Shri. M. S. Gondkar
Court Name	:- G. S. Diwan 3 rd Jt. Civil Judge (J.D) and J.M.F.C., Islampur.
Date of decision	:- 02.05.2022
Order signed by PO on	:- 02.05.2022
Order uploaded on	:- 02.05.2022