

ORDER BELOW EXH. 200 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 defendant no. 21 namely Hindurao Khandu Chavan.

2. Notice was issued to the proposed LR's deceased defendant no. 21. On perusal of bailiff report Exh. 206 and Exh. 207, it reveals that, notice duly served on proposed LR's of defendant no. 21. Despite service of notice, they failed to attend before the court. Hence, I am deciding this application on merits.

3. According to plaintiffs, after demise of defendant no. 21 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 defendant no. 21. Hence, according to plaintiffs, order of abatement be set-aside.

4. Heard Ld. Counsel for plaintiffs. Read the application. On perusal of death extract of defendant no. 21 at Exh. 204/2, it reveals that, defendant no. 21 Hindurao Khandu Chavan died on 12.07.2021. Delay caused in bringing the legal heir's of defendant no. 21 was condoned without imposing any cost. If order of abatement is not set-aside, then much prejudiced would be caused to the defendants and it ultimately results in multiplicity of the proceeding between the parties. No doubt, during the year 2021 there was Covid-19 pandemic in entire Maharashtra. Considering all fact, 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 defendant no. 21 is set-aside.

Islampur.  
Date : 02.05.2022

(G.S.Diwan)  
3<sup>rd</sup>Jt.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 <sup>rd</sup> 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