

**ORDER BELOW EXH. 103 IN RCS NO. 33/2021**

1. Perused application and Say. The plaintiff No. 1 has filed this application seeking permission to set aside abatement of suit in respect of plaintiff No. 3 Tanaji Shankar Patil who died on 16/01/2022. Plaintiffs wants to bring on record Kalpana, Mansi, Srikant as the heirs of deceased plaintiff No. 3 Tanaji in this suit for injunction and declaration. The application is strongly opposed by defendant Nos. 1 and 2 who have filed joint Say Exh. 107. Defendants denied the contents of application, but the date of death is admitted. According to defendants, the act of plaintiffs is deliberate. The exact delay is not specified. Therefore application be rejected.

2. In the context of rival contentions it is apparent that deceased died on 16/01/2022. The legal representatives ought to have been brought on record within 90 days from the date of death. The plaintiffs failed to do so in this case, hence, suit abated. The abatement ought to have been set aside within 60 days from the date of abatement i.e. 16/06/2022. This application is filed on 23/06/2022 requesting to condone the delay. Though the delay is not specified, having regard to the aforesaid delay, it is worth to be condoned. Accordingly following order is passed.

**ORDER**

- (1) Delay is condoned subject to costs of Rs. 100/- to be paid on or before next date.
- (2) The non-compliance of aforesaid order shall render it *non est*.

Islampur.

Date : 28/07/2022.

Civil Judge Senior Division, Islampur.