

ORDER BELOW EXH. 101 IN RCS NO. 33/2021

1. Perused application and Say. The plaintiff No. 1 has filed this application for setting aside the abatement in bringing the legal representatives of deceased plaintiff No. 3 on record. Plaintiff No. 3 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 set aside the abatement. The delay in moving the application has been condoned just now by passing order below Exh. 103. In this view of the matter this application is also allowed. Accordingly following order is passed.

ORDER

- (1) On compliance of order passed below Exh. 103 on or before next date the abatement be set aside.

Islampur.

Date : 28/07/2022.

Civil Judge Senior Division, Islampur.