

ORDER BELOW EXHIBIT- 31 IN R.C.S.No.86 of 2011

Legal representatives of the deceased plaintiff has filed the present application to set aside deemed abatement.

2. It is asserted that the plaintiff died on 21.6.2014. He was personally prosecuting the suit and therefore, his legal representatives were not having any information in respect of the suit. Hence, the delay was caused to apply. They have filed a separate application seeking the leave of this Court to come on record in place of deceased plaintiff. Hence, the application.

3. Defendants have filed the say and opposed the application. Many months have been elapsed from the date of death of the plaintiff. Hence, the suit is abated. They have, therefore, prayed for rejecting the application.

4. Perused the record and proceeding. Heard the both the sides. Plaintiff was died on 21.06.2014. Present application was file don 21.02.2015. It is, thus, seen that the applicants have filed this application after a period of 8 months from the date of death of the plaintiff. It is well settled that when technical considerations and merit and pitted against each other, then merit has to be preferred. There is no inordinate delay. Reason given by the applicants is acceptable. Hence, the application is allowed. Delay is condoned and deemed abatement of suit is set aside.

Date:4/08/2016

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word as per original Order.

Name of Stenographer	:	Bhaskar G.B.
Court Name	:	S.K.Khan, Jt.C.J.J.D.& J.M.F.C. Barshi
Date	:	04.08.2016
Order signed by the presiding officer on	:	04.08.2016
Order uploaded on	:	05.08.2016