

ORDER BELOW EXH. 22 IN R.C.A. NO. 230/2017
(CNR.NO.MHST01002187-2017)

(Pushpa Bobade & Ors. Vs. Baban Pawar & Ors.)

This is an application filed by appellants for setting aside abatement order.

2] It is contended that, on 02/05/2021 appellant No. 2 Rekha @ Vatsala Bajrang Kale died. Thereafter, their Ld. Advocate J. L. Parte died. It is further contended that it was necessary to bring on record legal representatives of appellant No. 2 within 90 days from her death however, there was pandemic situation of COVID-19, therefore, abatement order passed against them. Hence, they prayed to set aside abatement order.

3] Respondents filed say and strongly opposed to this application contending that reasons mentioned in the application is not justifiable. Therefore, they prayed to reject this application.

4] Heard learned counsel for appellants and respondents. Perused record.

5] It appears that, application has been filed on 12/01/2022. Appellants stated that appellant No. 2 Rekha @

Vatsala Bajrang Kale died on 02/05/2021. They have filed death certificate of appellant No. 2 vide Exh. 27/1. However, reasons mentioned in the application are found justifiable. Moreover, delay is condoned by passing order below Exh. 20. Hence, I proceed to pass the following order.

ORDER

- 1] Application is allowed.
- 2] Abatement order is set aside.
- 3] No order as to cost.

Date : 15/02/2023

(R. K. Rajebhosale)
Ad-hoc District Judge-3
Satara