

ORDER BELOW EXH. 30 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 06/10/2019 respondent No. 2 Vivek Shankar Pawar died. Thereafter, their Ld. Advocate J. L. Parte died. It is further contended that it was necessary to bring on record legal representatives of respondent No. 2 within 90 days from his death however, there was pandemic situation of COVID-19, therefore, there is delay for bringing his legal representatives on record and order of abatement 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 respondent No. 2 Vivek Shankar Pawar died on 06/10/2019. They have filed death certificate of respondent No. 2 vide Exh. 35/1. It shows that delay caused to file application for bringing legal representatives on record. However, reasons mentioned in the application are found justifiable. Moreover, delay is condoned by passing order below Exh. 28. 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