

ORDER BELOW EXH. 17 IN M.A.C.P. NO. 245/2018
(CNR.NO.MHST01003151-2018)

(Achit Jadhav Vs. Priyanka Transport and Tourist)

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

2] It is contended that on 15/07/2021 original applicant Achit Hiranman Jadhav died. It is further contended that applicants have no knowledge about the claim. When Achit died there was lockdown so they could not contact with their Advocate. So, there is delay of 87 days for bringing legal representatives of original applicant Achit Hiranman Jadhav on record and abatement order is passed against them.

3] Despite of sufficient opportunity, respondent failed to file say, hence petition proceeded without its say.

4] Heard learned counsel for applicant. Perused record.

5] It appears that, application has been filed on 10/03/2022. Applicant has filed copy of death certificate of original applicant Achit Hiranman Jadhav at Exh. 16/1. On perusal of death certificate it appears that original applicant Achit Hiranman Jadhav died on 15/07/2021. It shows that delay caused to bring on record legal representatives of original applicant Achit Hiranman Jadhav and

abatement order is passed against them. Moreover, delay is condoned by passing order below Exh. 17 on today itself. Hence, in the interest of justice, 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 : 10/07/2023

(P. V. Chatur)
Member, M.A.C.T. Satara