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R.C.S. No.6/2018

Indubai & Ors. Vs. Waman & Ors.

CNR No. MHWR040000762018

COMMON ORDER BELOW EXH.46 AND 47

(Date 20.08.2021)

- 1) The LRs. of deceased plaintiff No.1 Indubai @ Kamal Panjabrao Gawarkar filed pursis below Exh.45 alongwith death certificate and filed application for condoned the delay in filling application for setting aside the abatement.
- 2) Learned advocate for defendant objected the application on the ground that, it does not disclose sufficient reason to condon the delay. He submitted that the delay is deliberate on the part of LRs. of plaintiff. Hence, applications be rejected.
- 3) Perused record and also the death certificate of deceased plaintiff No.1 it appears that, she died in pandemic on 21.04.2021 as per Article 120 of Limitation Act, an applications for bringing the Lrs. on record is to be filed within 90 days and as per Article 121, if such application is not filed within 90 days then suit or proceeding stands abated and for setting aside for such abatement an application required to be filed within 60 days from the date of abatement.
- 4) In the present case the plaintiff No.1 is died on 21.04.2021 therefore, suit stands abated on 21.07.2021 but as per Article 121 this application is found within 60 days from the date of abatement. It also appears that, due to pandemic the LRs. of plaintiff could not filed the applications before. Hence, the order.

Order

- 1) The applications are allowed.
- 2) The abatement against deceased plaintiff No.1 is set aside.

Date : 20.08.2021

Sd/-
(A.G. Mhaskey)
Civil Judge, Junior Division,
Seloo.

..2.. R.C.S. No.6/2018
Indubai & Ors. Vs. Waman & Ors.
CNR No. MHWR040000762018

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original order.

Name of Stenographer	:	Jitendra H. Jawale (Grade-3),
Court	:	C.J.J.D. Seloo
Order delivered on	:	20.08.2021
Order signed by the Presiding Officer on	:	20.08.2021
Order uploaded on	:	20.08.2021