

ORDER BELOW EXH.30
IN CIVIL APPLICATION NO. 672/2011.
(Abhay Choradia Vs.Emkay Global Financial services Ltd.)
CNR No. MHPU01-008511-2011

This is an application to set aside abatement caused in bringing Legal representatives of applicant Abhay Jaykumar Chordia. It is contended that he died on 16.03.2021. It is contended that he died on 16.03.2021 at MGM Health Care, Chennai leaving behind proposed applicant No.1A Yash Abhay Chordia, applicant No.1B Meena Abhay Chordia and applicant No.1C Yashika Aakshay Shah. The deceased passed away in Chennai and his LR's. could not approach advocate on record. Hence, the abatement has been caused unintentionally and it is necessary to set aside the same.

2. No say filed on behalf of respondent. Heard arguments advanced on behalf of both the parties.

4. For the purpose of setting aside abatement, it is submitted on behalf of LR's of applicant that the said abatement has been caused inadvertently as LR's of applicant could not approach their advocate due to prevailing Corona-19 pandemic. Learned advocate for LR's of applicant relied upon order of the Hon'ble Supreme Court passed in su-moto writ petition No. 3/2020 wherein limitation stand extended from 15.03.2020 till 28.02.2022 and 90 days thereafter. The applicant Abhay Chordia died on 16.03.2021 during pandemic. Hence, in view of circumstances of the case and ratio of above mentioned

ruling of the Hon'ble Supreme Court cited supra, it is necessary to set-aside the abatement caused in bringing LR's of applicant Abay Chordia on record. Therefore, present application needs to be allowed. Hence, following order –

Hence, following order –

ORDER

- 1] Application Exh. 30 is allowed as prayed.
- 2] The abatement caused in bringing LR's of applicant deceased Abhay Jaykumar Chordia stands set-aside.

(Dictated and Pronounced in open court.)

Pune
Date : 18.01.2023.

(H.B. Sirsalkar)
District Judge-19, Pune.

CERTIFICATE

Name of Steno	Mrs. M.V. Patil (Stenographer G-I)
Court Name	H.B. Sirsalkar District Judge - 19, Pune.
Date of Judgment	18.01.2023
Judgment signed by Presiding Officer on	18.01.2023
Judgment uploaded & PDF on	18.01.2023