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23.07.2021
TN

CO No.1265 of 2021

Hemlata Devi
Vs.
M/s Deoram Saran & Co. and others
(Via video conference)

Ms. Suparna Biswas

.... for the petitioner

The petitioner has challenged an order whereby an application filed by the plaintiffs/opposite parties for substitution after setting aside the abatement on condonation of delay, of the heirs and legal representatives of the deceased-plaintiff no.2, was allowed.

Learned counsel contends that the order is *de hors* proper reasons and there was no scope of setting aside the abatement.

However, it is evident from the impugned order itself that the trial court referred to a direction of the Hon'ble Supreme Court in WP (Civil No. (S) –3/2020), which, although not elaborated in the impugned order, was apparently the general order of

enlargement and extension of all limitation periods in all pending matters, including statutory limitations.

In any event, as per the several directions passed by the Supreme Court in this regard, the statutory limitation for filing of an abatement application is not attracted in the present case, since the date of expiry of the plaintiff no.2 was April 2, 2020, which falls within the pandemic period covered by the extension orders of the Supreme Court. As such, the impugned order does not suffer from any illegality or material irregularity justifying interference.

Accordingly, CO No.1265 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)