

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1063 OF 2019
WITH
INTERIM APPLICATION NO.2967 OF 2021
IN
SUIT NO.2531 OF 2011

Pushpa Baldev Thakur and Others ...Plaintiffs
vs.
Raju Thakur and Others ...Defendants

Ms. Pooja Pandey i/b. Mr. Ashok Pande, for the Plaintiffs
Ms. Asmita Maurya i/b. Mr. Vivek Sawant, for Defendant No. 5.
Mr. S.K. Dhekale, Court Receiver present.

CORAM : N. J. JAMADAR, J.
DATE : DECEMBER 13, 2022

P.C.:

1. Interim Application No. 2967 of 2021 is not on board. Mentioned. Taken on board.
2. This application is preferred to bring the legal representatives of plaintiff No. 1 Pushpa Baldev Thakur who passed away on 20th April, 2020. The applicant also prays for setting aside the abatement and condoning the delay in taking out the application to bring the legal representatives of the plaintiff No. 1 on record. The application is supported by the death certificate and affidavit.
3. Perused the averments in the application.
4. It seems that the delay is on account of exigencies of the situation which arose on account of Covid-19 pandemic.
5. In order to advance the cause of substantive justice, the delay

in seeking setting aside the abatement and bringing the legal representative of deceased/ plaintiff No. 1 deserves to be condoned.

Hence, the following order.

ORDER

- 1] The application is made absolute in terms of prayer clauses (a) and (b).
- 2] The plaintiff shall carry out the necessary amendment in the Plaint and Notice of Motion within a period of two weeks.
- 3] Amended copies of the Plaint and Notice of Motion be served on the defendants within two weeks thereafter.
- 4] Application disposed.

(N. J. JAMADAR, J.)