

11.12.2025

ORDERS ON I.A.NO.III TO V

The petitioner has filed I.A.No.III to V.

I.A.No.III is filed under Order 22 Rule 3 of CPC for bringing the legal heirs of petitioner No.2 on record. I.A.No.IV under Order 22 Rule 9 of CPC for setting aside the abatement order. I.A.No.V under Sec.5 of Limitation Act for condonation of delay on filing I.A.No.III.

Perused I.A.No.II to IV.

In the accompanying affidavit, it is stated that, the petitioner No.2 was died on 28.02.2024 leaving behind her legal LR's of petitioner on record in the cause title of petition as following;

2(a). Sri. Haumanthappa S/o Mallappa Doddamani, Age: 49 years, Occ: Agri.,
R/o: Doni, Tq: Mundargi, Dist: Gadag.

2(b). Sri. Ravi S/o Mallappa Doddamani,
Age: 47 years, 50 years, Occ: Agri.,
R/o: Doni, Tq: Mundargi, Dist: Gadag.

The legal heirs of the petitioner No.2 is very much necessary to decide the petition without controversy. Except the LR's of the petitioner No.2 it is very difficult to proceed with case. If I.A.No.III to V are allowed no hardship and loss will be caused to the legal heirs of petitioners. Hence, on these grounds it is prayed to allow the I.A.No.III to V.

After filing of I.A.No.III to V notice was issued to the LR's of petitioner No.2 i.e., 2(a) &

(b) were served but called out absent and did not file any objection said I.A's.

After perusing the affidavit annexed with the applications the petitioner No3 has stated that, she has filed this suit for seeking the partition from preliminary decree passed in the suit in respect of the suit schedule properties. Further, If I.A.No.III to V allowed no hardship or loss will be caused to the LR's of petitioner No.2(a & b). Also the respondents have not filed this objection to I.A.No.III to V. Hence, by considering the above facts and circumstances of the case. I proceed to pass the following;

ORDER

I.A.No.III filed under Order 22 Rule 4 of CPC is hereby allowed. And set aside the abatement order by allowing I.A.No.IV filed under Order 22 Rule 9 of CPC. The delay in filing of I.A.No.V is condoned by allowing I.A.No.III of Limitation Act.

Accordingly, it is hereby permitted to the petitioners to bring the LR's of petitioner i.e., 2(a & b) on record by carrying necessary amendment to the petition.

For amendment of petition.

Call on:

Sd/-

C.J & JMFC, Mundargi.