

ORDER ON I.A. NO.IV to VI

1. These applications have been filed by the petitioner and filed I.A. No. IV under Sec.5 of Limitation Act, I.A.No.V under Order 22 Rule 4 of CPC and I.A.No.VI under Order 22 Rule 9 of CPC, to bring the LR's of the deceased respondent no.10.
2. In response to the notice issued on I.A.No.IV to VI, the LR's of the respondent no.10 have appeared through their advocate but they have not filed their objections to the said applications and their objections to the said applications are taken as not filed which is evident in the order sheet dated 08/04/2026.
3. I have heard learned Counsel for the petitioner and the learned Counsel for the LR's of the respondent no.10.
4. After perusal of the records of the case, the following points would arise for my consideration:
 - 1). Whether the applications filed by the petitioner are deserves to be allowed?
 - 2). To what order?
5. My finding to the above points is as follows:
Point No.1: In the affirmative
Point No.2: As per final order for the following:

REASONS

6. **Point No.1:** In an affidavit appended to I.A.No.IV to VI, it is stated by the petitioner that the respondent no.10 has expired on 05/08/2020 leaving behind his wife and three

sons and except these LR's there are no other legal heirs to the deceased respondent no.10 and further he has submitted that he was not aware of the death of the respondent no.10 and sought to condone the delay of 173 days in bringing the LR's of the respondent no.10 on record and if these applications are not allowed, he will be put to untold hardship which cannot be compensated in terms of money and accordingly, among other grounds he prays to allow the applications.

7. In view of the rival contentions put forth by the petitioner and the LR's of the respondent no.10, now, let me see as to whether the applications are deserves to be allowed or not.
8. In the case on hand, the respondent no.10 has expired and the applicant wants to bring the legal heirs on record. It is necessary to bring them on record otherwise the loss will be caused to the petitioner and not to the LR's of the respondent no.10. Further, the petitioner has given satisfactory explanation for not bringing the legal heirs of the respondent no.10 on record and they are found satisfactory and if these applications are not allowed, the loss will be caused to the petitioner not to the respondents. Hence, the applicant is to be permitted to bring the legal heirs of the respondent no.10 on record. Accordingly, I answer this point in the affirmative.
9. **Point No.2:** In view of my discussion made supra, I proceed to pass the following:

ORDER

I.A.No.IV to V filed by the applicant/petitioner under Order 22 Rule 4, Order 22 Rule 9 and Under Sec.5 of the Limitation Act are hereby allowed.

The applicant/petitioner is permitted to bring the legal heirs of the respondent no.10 on record and the delay in filing the applications is condoned and the learned Counsel for the applicant/petitioner is permitted to amend the petition and furnish the amended petition.

For amendment and amended petition.

Call on

(Hanamantarao R.Kulkarni)
Senior Civil Judge and JMFC.,
Basavakalyan.