

Presented on : 00-00-0000
Registered on : 08-02-2001
Decided on : --
Duration :

**IN THE COURT OF III ADDL. CIVIL JUDGE & JMFC
AT BELGAUM**

FDP/0000002/2001

APPELLANTS :

1. Shri. Laxman Appayya Chalawadi
R/o. Macche, Tal and Dist Belgaum.

VERSUS

RESPONDENTS :

1. Smt. Shantavva w/o. Shankar Chalawadi
R/o. Macche , Tal and Dist Belgaum.
2. Smt. Annapurna w.o, vithal chalawadi,
R/o. Parishwad, Near PWD Bungalow, Taluka Khanapur, Dist Belgaum.
3. Shri. Kalpana D/o. Shankar Chalawadi,
R/o. Macche, Tal and Dist Belgaum.
4. Savita D/o. Shankar Chalawadi,
R/o. Macche, Tal and Dist Belgaum.
5. Anjana D/o. Shankar Chalawadi
R/o. Macche, Tal and Dist Belgaum.
6. Premanand S/o. Shankar Chalawadi
R/o. Macche, Tal and Dist Belgaum.
7. Shridevi D/o Shankar Chalawadi
R/o. Macche, Tal and Dist Belgaum.
8. Smt. Pammavvwa w/o. Vasu Chalawadi
R/o. Macche, Tal and Dist Belgaum.
9. Shri. Yallappa s/o. Vasu Chalawadi
R/o. Macche, Tal and Dist Belgaum.
10. Prasu S/o. Vasu Chalawadi
R/o. Macche, Tal and Dist Belgaum.
11. Shri. Bhomanna Punnappa Chalawadi
R/o. Macche, Tal and Dist Belgaum.

12. Kallappa Yallappa Chalawadi
R/o. Kangral galli, Tal and Dist Belgaum.
13. Shri. Basu Yallappa Chalwadi
R/o. Macche, Tal and Dist Belgaum.
14. Kasturi w/o. Anand Kamble
R/o. Goundwad, Tal and Dist Belgaum,
15. Surekha w/o. Ningappa Kambale
R/o. Ambewadi, Tal and dist Belgaum.
16. Papul Basanne Mutagekar
R/o. Machhe Tal and Dist Belgaum.
17. Maruti Mallappa Manganonkar
R/o. Machhe Tal and Dist Belgaum.
18. Yallappa Bharamanna Pote
R/o. Machhe Tal and Dist Belgaum.
19. Anusaya Babu Ghodake
R/o. Machhe Tal and Dist Belgaum.
20. Madhu Babu Ghodake
R/o. Machhe Tal and Dist Belgaum.
21. Shri. Vijaya Babu Ghodake
R/o. Machhe Tal and Dist Belgaum.

Shri. B.A. Gangai, Advocate for the appellant.

ORDERS ON I.A.No.IX, X, XI

Application at I.A.IX under Order 22 Rule 2 R/w. Section 151 of C.P.C. filed by the petitioner permitting him to implead the legal heirs of deceased Respondent No.11 on record as Respondent No.11(a) and 11(b).

The petitioner has also filed I.A.10 under section 5 of Limitation Act to condone the delay in bringing the legal heirs of deceased Respondent No.11 on record.

The petitioner has filed another application at I.A.11 under Order xx Rule 9(2) R/w section 151 of C.P.C. for praying the abetment caused on

account of death of Respondent No.11 be set aside and the petition be heard and decided on merits.

The applications are supported by an affidavit sworn by the petitioner.

It is submitted by the petitioner that, he has filed the present petition for drawing the final decree in terms of preliminary decree. It is stated that, during the pendency of this case, the Respondent No.11 died in the year 2001 and the same has been reported to this Hon'ble court recently. The Respondent No.11 died leaving behind his legal heirs Respondent No.11(a) and 11(b). It is further submitted that, the presence of the legal heirs are absolutely necessary to adjudicate the matter in deciding the issue finally and effectively. However by afflux of time there is a delay in filing L.Rs. application. It is further submitted that, the death of said person was not aware by the petitioner and he came to know the same recently and reported the same by filing memo and there is no negligence on his part. There are sufficient and bonafide reasons and grounds for not bringing the legal heirs of the deceased Respondent No.11 on record in time and the petitioner is prevented them on bringing on record. No prejudice or hardship will be caused to the respondent, if the present amendment is allowed and it will not change the nature of the proceedings and no loss or hardship will be caused to the other side if the delay is condoned and abatement order if any filing of the L.Rs. application is set

aside as prayed for. On the contrary same is not brought on record, the petitioner will be put to untold hardship. Hence prays to allow the applications.

On the other hand the applications are opposed by the Respondent by filing written objection.

Heard both side perused the materials on record.

It is to be noted that there are no reasons to reject the applications. If the applicants are not brought on record, they will put into great hardship and inconvenience. Hence I proceed to pass the following;

:ORDER:

I.As.No.IX to XI filed by the petitioner are hereby allowed.

The petitioner is hereby permitted to bring the legal heirs of Respondent No.11(a) and 11(b) on record and the petitioner is permitted to amend the plaint and shall furnish amended plaint on or next date.

Call on : 18/8/2014.

Sd/-

III ADDL. CIVIL JUDGE & JMFC.,
BELGAUM

