

ORDER ON I.A.No.1 to 2

The application I.A.No.1 is filed by Decree Holder Under Order XXII Rule 3 of CPC seeking the relief of bringing L.Rs. of deceased judgement debtor No.1 i.e. proposed judgement debtor No.1(A) and 1(B) on record.

The application I.A.No.2 is filed by Decree Holder Under Order XXII Rule 9 of CPC is filed seeking the relief of setting aside abatement in bringing the L.Rs. of deceased judgement debtor No.1.

The application I.A.No.3 is filed by Decree Holder Under Section 5 of Limitation Act seeking the relief of condonation of delay in bringing the legal heir of deceased judgement debtor No.1 i.e. proposed judgement debtors No.1(A) & 1(B).

The decree holder filed these applications stating that the proposed judgement debtor No.1(A) and 1(B) are the legal heirs of deceased judgement debtor No.1. They have contended that the proposed judgement debtor No.1(A) and 1(B) are the only legal heirs of the deceased judgement debtor No.1, the delay in bringing the L.R. is not intentional, hence they are required to be brought on record. Hence, prayed to allow the applications.

The proposed judgement debtor No.1(A) and 1(B) have filed the objections to I.A.No.1 to 3. They have stated that applications are belated and no grounds are made out in applications to allow the same. The legal heirship certificate is not submitted along with the applications. Hence, prayed to reject the applications.

Perused the applications and material available on record.

The proposed judgement debtors No.1(A) and 1(B) are the legal heirs of deceased judgement debtor No.1 and the applicants have filed application Under Order XXII Rule 3 of CPC along with applications Under Order XXII Rule 9 of CPC and section 5 of the Limitation Act and have made out grounds to allow the applications. Hence, I proceed to pass the following:

ORDER

I.A.No.13 to 15 filed by the decree holder Under Order XXII rule 3 of CPC, Under Order XXII Rule 9 of CPC and Section 5 of Limitation Act are hereby allowed.

The proposed judgement debtor No.1(A) and 1(B) are permitted to brought on record as L.R. of deceased judgement debtor No.1.

The decree holders are directed to carry out the necessary amendments and to furnish the amended plaint.

For amendment and amended plaint, call on :
23/02/2022.

Sd/-

I Addl. Civil Judge & JMFC., Belagavi.