

ORDER

Dhr filed I.A. No. I U/sec.50 R/w Sec.151 of CPC praying to implead the legal heirs deceased Jdr No. 1 and Jdr No. 3 in the petition and also permit him to amend the cause title of the petition.

2. In the affidavit, Dhr has stated that he has filed this Petition for recovery of decretal amount from the Jdrs. During the proceeding, on issuance of notice to the Judgment Debtors, he has got knowledge that Judgments debtor No.1 and 3 have expired. Therefore he filed this application to implead the legal heirs of deceased Judgment Debtor No.1 and Judgment Debtor No.3 on record. It is stated that, the parties mentioned in the application are the necessary parties and they have succeeded to the properties of the deceased Jdrs. Thus the abetment if any may kindly be set aside and legal heirs may kindly be impleaded. If the

application no loss or hardship would be caused to other side. On the contrary, he will be put to hardship. With these contentions Jdrs. prayed to allow the application.

3. After issuance of notice on I.A. the Lrs of Jdr No. 1 and 3 have appeared through their counsel but not filed objections. Hence, objection to I.A. NO. 1 taken as nil.

4. Heard counsel for Dhr and perused records. It is true that this petition has been filed by the Dhr for recovery of money and due death of Jdr No. 1 and 3 the Dhr has filed this application to bring the legal heirs of Jdr No. 1 and 3 on record. In view of Decree against the Jdrs said decree has to be executed against them but, in view of death of Jdrs No. 1 and 3 the decree can be executed against the legal heirs of Jdr No. 1 and 3 to recovery the amount and the Dhr has right to recover decretal amount from the assets of Jdr No. 1 and 3 to the extent of amount left by the Jdr No. 1 and 3. Therefore, the legal heirs of Jdr No. 1 and 3 have to be brought on record to proceed with the

matter. In the circumstances, the application filed by the Dhr has to be allowed. Hence, I proceed to pass the following ;

ORDER

The I.A. No. 1 filed U/sec.50 R/w Sec.151 of CPC is hereby allowed.

The LRs of JDR no. 1 and 3 are brought on record.

For Amendment and Amended petition.

Call on 10-02-2025

Sd/
**IV Addl. Civil Judge & JMFC.,
BELAGAVI.**