

KABG040018512021



06.06.2026

E.P.No.390/2021

ORDER ON I.A.NO.V

This application is filed U/Sec.151 of C.P.C., by the counsel for proposed D.Hrs. i.e., LR's of D.Hr.No.2 seeking permission to come on record in view of death of D.Hr.No.2 on 26.07.2025.

2. In the affidavit filed in support of the application, the proposed D.Hr.No.2(a) has stated that the proposed D.Hrs., are the LR's of D.Hr.No.2 Shri. Suresh S/o. Basavanni Patil who died on 26.07.2025 and that the proposed D.Hrs., intended to continue the Execution Proceedings. On these grounds, he has prayed to allow the present application.

3. The J.Drs.No.1 and 2 submitted no objection to the said application.

4. The following points would arise for my consideration :

- i) Whether the right survives in favour of LR's of deceased D.Hr.No.2?*
- ii) What order ?*

5. My answer to above points are as under :

Point No.1 : In the Affirmative,

**Point No.2 : As per final order
for the following :**

REASONS

6. **Point No.1 :** The legal representatives of D.Hr.No.2 i.e., the children of D.Hr.No.2 have filed the present application to come on record after death of the D.Hr.No.2 and this is a Execution Petition filed for execution of decree in O.S.No.60/2017. The D.Hr.No.2 is reported to be dead on 26.07.2025. As such, the right to sue survives even after death of the D.Hr.No.2 Where the D.Hr.No.2 dies, the right to prosecute survives and it can be continued

by the LRs of the deceased D.Hr.No.2. The present applicants i.e., the children of deceased D.Hr.No.2 being the surviving LRs of the deceased D.Hr.No.2 have got right to proceed with case and it is necessary to allow them to come on record to avoid multiplicity of proceedings. Hence, this Court comes to the conclusion that the said LRs of D.Hr.No.2 are to be allowed to come on record. Hence, I answer **Point No.1 in the Affirmative.**

7. Point No.2 : For the above said reasons, I proceed to pass the following :

ORDER

The application i.e., I.A. No.V filed U/Sec.151 of CPC, is hereby allowed.

The LRs of D.Hr.No.2 i.e., D.Hr.No.2(a) to 2(c) as per the aforesaid application, are permitted to come on record as D.Hr.No.2(a) to 2(c).

The counsel for D.Hrs. is hereby directed to carry out

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***amendment and to file amended
petition accordingly.***

**Prl. Civil Judge & J.M.F.C,
Belagavi.**

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Call on 18.07.2026.

**Prl. Civil Judge & J.M.F.C,
Belagavi.**