

KABG040029162014



**IN THE COURT OF IV ADDL. CIVIL JUDGE AND JMFC
BELAGAVI.**

**PRESENT: Bhuvaneshwari D. BA, LLB (Hon's), LLM.
IV Addl. Civil Judge & JMFC.,
Belagavi.**

Dated, on this 16th day of February, 2026

**Original Suit No.1339/2014 clubbed with
OS. No. 1844/2012**

PLAINTIFF:	1. Shri. Balkrishna S/o Duddappa Muchandi @ Muchandikar, Age : 48 years, Occ : Agriculture, R/o : H. No. 204/B Margai Galli, At:Post: Halaga, Tal & Dist: Belagavi And others
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-V/s-

DEFENDANT :	1. Shri. Jotiba @ Jyoti, S/o Bhimsu Santaji Since deceased represented by his LR. 2. Smt. Krishnabi, W/o Jotiba @ Jyoti Santaji Since deceased R/by her LR. 1a. Smt. Changuna @ Laxmi, W/o Kallappa Bedaka, Age: Major, Occ: Agriculture, R/o: H. No. 107, Basti Galli, Kudachi, Tal :Dist: Belagavi. And others
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<u>ORDER ON I.A.No.XVIII to XX</u>	
APPLICANT/ PLAINTIFFS	Balakrishna S/o Dudappa Muchandi @ Muchandikar
(By Shri. A. S. Hanamannavar, Advocate)	
-AND-	
OPPONENT/ DEFENDANTS:	Late Jotiba @ Jyoti S/o Bhimsu Santaji Since deceased by his LRs.
(Sri. A. L. Sandrimani, Advocate for D-1 to 4) (By Sri. S. S. Suryavanshi, Advocate for D-5 & 6)	

PARTICULARS

i	Provision under which the applications is filed	I) Order XXII Rule 3 R/w Sec. 151 of CPC ii) Order XXII Rule 9 r/w Sec.151 of CPC, iii) Sec.5 of the Limitation Act
ii	Relief sought for	Seeking to bring legal heirs of plaintiff No.3 and condonation of delay
iii	The date on which the applications are filed	30.01.2026
iv	Number of application	I.A.No.XVIII to XX
v	The date on which the objections are filed by different opponents	Submitted no objection
vi	The date on which the orders were passed on the said application.	16.02.2026

**COMMON ORDERS ON I.A.No.XVIII TO XX FILED BY PLAINTIFFS UNDER
ORDER XXII RULE 3 R/W SECTION 151 OF CPC AND XXII RULE 9 R/W
SECTION 151 OF C.P.C AND UNDER SECTION 5 OF LIMITATION ACT**

The I.A. No.XVIII is filed under Order XXII Rule 3 R/w Section 151 of CPC seeking to bring the legal heirs of deceased plaintiff No.3 i.e., two sons being already on record as plaintiff No.1 and 2 and two daughters to

implead as plaintiff No.3A and B, I.A. No. XIX filed under Order XXII Rule 9 R/w Section 151 of CPC praying to set aside the order of abatement in bringing LR's of plaintiff No.3 and I.A.No.XX filed under Section 5 of Limitation Act to condone the delay to bring the legal heirs of plaintiff No.3.

2. In the affidavit annexed to the I.As, the said facts are elucidated:-

The plaintiff No.1 has stated in the affidavit the suit filed seeking the relief of declaration and perpetual injunction and it is submitted plaintiff No. 3 his mother by name Laxmibai Wd/o Dudappa Muchandi @ Muchandikar is deceased on 23.05.2025 leaving behind two sons and two daughters and they are sought to be impleaded as right to sue devolve upon them as legal heirs. It is further submitted that applicant being illiterate is not aware of legal procedure and sought to condone the delay and set aside the abatement orders. Hence, these applications.

3. The counsel for defendant submits no objections to I.A. No. XVIII to XX.

4. Upon hearing the counsels and laying emphasis on the material particulars, the following points arise for the determination of this Court;

POINTS

- 1. Whether the I.A No.XVIII to XX by the plaintiffs under Order XXII Rule 3 R/w section 151 of CPC, under Order XXII Rule 9**

**r/w Sec.151 of CPC and U/Sec.5 of
Limitation Act deserve to be allowed?**

2. What order?

5. Upon perusal of the pleadings and taking note of the oral arguments addressed by the parties on the merits of the said application, this Court answers the aforementioned points as under;

Point No.1 : In the Affirmative

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

REASONS

6. POINT No.1: On perusal of the I.A applications shows that the death of the plaintiff No. 3 took place on 23.05.2025 and the present applications were filed on 30.01.2026. In the affidavit sworn in, it is stated that after the death of plaintiff No.3, the plaintiff No.1 did not bringing his sisters on record as legal heirs of deceased plaintiff No.3 and he is not knowing the legal procedure to bring the LR's of deceased on record as contemplated under law.

7. Perusal of the I.A applications shows that after the death of the plaintiff No.3, the legal representatives have to be brought on record as contemplated under Order XXII of CPC as the cause of action survives against the LR's. The impleading of the proposed legal representatives is pivotal to fair determination of the rights of the parties involved in the suit and the Court is of the view that impleading the said applicants is not likely to cause any hardship or prejudice to other side and nature of relief sought is declaration and consequential relief of injunction.

8. The provisions under Order XXII are to be exercised in situation of this nature as law contemplates for the same. The procedural infirmities should not come in the way of rendering justice hence, the delay caused is met by imposition of costs. Hence, in order to advance justice to the parties the Court deems it appropriate to grant the relief sought in I.As. **Accordingly, Point No.1 is answered in the Affirmative.**

9. POINT No.2:- In view of the discussions made at Point No.1, the Court proceeds to pass the following order;

ORDER

I.A.No.XVIII filed U/Order XXII Rule 3 R/w Section 151 of CPC, I.A No.XIX filed U/Order XXII Rule 9 r/w Sec.151 of CPC and I.A No.XX filed U/Sec.5 of Limitation Act are hereby allowed subject to imposition of cost of Rs.300/-.

LR's of Plaintiff No.3 mentioned below is permitted to be brought on record;

Plaintiff No. 3A and 3B

**3A : Smt. Renu D/o Dudappa Muchandi
@ Muchandikdar, After Marriage
Renuka Yallappa Shapurkar
Age : 58 years, Occ : Household
R/o : Yarmal Road, Yallur, Belagavi - 590005**

**3B : Smt. Tai D/o Dundappa
Muchandi @ Muchandikar,
After marriage Tai Appaji Patil,
Age : 60 years, Occ : Household,
R/o: Yarmal Road, Yallur, Belagavi - 590005**

**are hereby impleaded as plaintiffs No.3A and
3B.**

**For carrying out amendment and for furnishing of
amended plaint.**

(Dictated to the Stenographer Grade-III, directly on computer and corrected by me and then pronounced in the Open Court, on this the 16th day of February, 2026).

**Sd/-
(Bhuvaneshwari D.),
IV Addl. Civil Judge & JMFC,
Belagavi.**