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**IN THE COURT OF SENIOR CIVIL JUDGE,
BAILHONGAL, AT; BAILHONGAL**

PRESENT:

**Shri. Ravi Babu Chawan,
B.A. LLB.,
Senior Civil Judge, Bailhongal.**

RA. No.22/2024

Dated this the 18th Day of June 2026

1) Shri. Makthumsaheb Abdulsahab Hunashikatti,

.....Appellant

(By Shri. V.G.K., Advocate)

- Vs. -

1) Smt. Rajabi W/o Mugatsaheb Tahasildar
and others,

.....Respondents

(R1, 2, 4 to 6, 8, 9 and R5 (d and e)-Absent)
(By Shri. I.M.B., Advocate for R10 and R18)
(By Shri. F.A.T., Advocate for R5(c))
(R5(a and b) Personal attend)

PARTIES TO IA No.2 to 4

1) Shri. Makthumsaheb Abdulsahab Hunashikatti,

.....Applicant/Appellant

(By Shri. V.G.K., Advocate)

- Vs. -

1)Smt. Rajabi W/o Mugatsaheb Tahasildar
and others,

.....Opponents/Respondents

(R1, 2, 4 to 6, 8, 9 and R5 (d and e)-Absent)
(By Shri. I.M.B., Advocate for R10 and R18)
(By Shri. F.A.T., Advocate for R5(c))
(R5(a and b) Personal attend)

ORDER ON IA NO.2 TO 4

These applications are filed by the applicant/
appellajnt seeking the following reliefs;

IA No.2 is filed under Order XXII Rule 2 to 4 R/w
Section 151 of C.P.C., to bring the legal representatives
of deceased respondent No.5-Shri. Imamsab
Sultansaheb Tahasildar and deceased respondent No.7
-Smt. Sanabi Madarsab Killedar on record.

IA No.3 is filed under Order XXII Rule 9 R/w Section
151 of C.P.C., to set aside the abatement order of the
appeal against the deceased respondent No.5 and
deceased respondent No.7.

IA No.4 is filed under Section 5 of the Limitation
Act to condone the delay in filing the application to

bring the legal representatives of the deceased respondent No.5 & deceased respondent No.7 on record.

2. In the accompanying affidavits filed in support of the applications, applicant has stated that he has filed the appeal seeking to set aside the judgment and decree passed by the trial court. It is further stated that the respondent No.5 Shri. Imamsab Sultansaheb Tahasildar died on 04-08-2024 and respondent No.7 Smt. Sanabi Madarsab Killedar died on 11-05-2020. Hence, due to this bonafide reasons he could not file the application for bringing legal representatives of the deceased respondent Nos.5 and 7 in time. The delay is neither intentional nor deliberate. Hence, it is necessary to set aside the abatement of appeal if any against the deceased respondent Nos.5 and 7 and the delay is neither intentional nor deliberate. Hence, it is very much necessary to condone the delay in filing the application for set aside the abatement of appeal if any against the deceased respondent Nos.5 and 7 and permit to bring on record the LR's of the deceased respondent Nos.5 and 7. If the applications are allowed there will not be cause any loss and hardship to the other side. On the contrary, he will be put to heavy and irreparable loss. Hence he prayed for allowing the IAs.

3. Despite due service of notice the proposed LRs of deceased respondent Nos.5 and 7 remained absent. The existing respondents are also not filed any objections to the IAs.

4. Heard the learned counsel for appellant. Perused the materials on record.

5. The following point would arise for my consideration:

“ Whether the appellant has made out sufficient grounds to allow IA Nos.2 to 4?”

6. My answers to the above point is in the ***Affirmative.***

REASONS

7. Upon considering the materials placed on record and in the interest of justice, this court is of the opinion that the sufficient cause has been shown for the delay and the abatement order deserves to be set aside to allow the matter to be adjudicated on merits. The relationship of legal heirs of deceased respondent No.5 and 5 has not been opposed by other side. The respondents have also not filed any objections to the IAs. Accordingly, the point under consideration is answered. Hence, I proceed to pass the following;

ORDER

IA No.2 filed under Order 22 Rule 2 to 4 R/w Section 151 CPC, IA No.3 filed under Order 22 Rule 9 R/w Section 151 of C.P.C., and IA No.4 filed under Section 5 of Limitation Act by the applicant/appellant is hereby allowed.

In the result, the legal representatives of the deceased respondent Nos.5 and 6 as mentioned in the application are hereby brought on record. Further the abatement order of the appeal memo against the deceased respondent Nos.5 and 7 is hereby set aside. Further the delay in filing the application to bring the legal heirs of deceased respondent No.5 and 7 on record is hereby condoned.

The appellant is permitted to amend the cause title of the appeal memo to that effect and furnish the amended appeal memo.

(Dictated to the stenographer directly on computer system and corrected, signed by me and then pronounced in the open Court on this the 18th Day of June, 2026)

(Ravi Babu Chawan)
Senior Civil Judge, Bailhongal.

