

01-09-2025:

ORDERS ON I.A.Nos.6 to 8

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

IA No.6 is filed under Order 22 Rule 4 of C.P.C. to bring the legal representative of deceased defendant No.5 - Shivakumar Babu Hadapad who died on 27-05-2024 on record as defendant No.5(a).

IA No.7 is filed under Order 22 Rule 9 r/w sec. 151 of C.P.C. to set aside the abatement order of the suit against the deceased defendant No.5.

IA No.8 is filed under Section 5 of the Limitation Act to condone the delay in filing the application to bring the legal representative of the deceased defendant No.5 on record.

In the accompanying affidavits the applicant/plaintiff submitted that the defendant No.5 - Shivakumar Babu Hadapad died on 27-05-

2024 at Hosakadrolli village and defendant No.5(a) being the legal heir of said deceased defendant No.5. The delay in filing the application occurred due to lack of legal knowledge. The delay is not intentional one. If the application is allowed there will not be cause any loss or hardship to other side, otherwise he will put to irreparable loss or hardship.

The learned counsels for proposed LR of deceased defendant No.5 and remaining defendants submitted their no objection to IA Nos.6 to 8.

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. Hence, I proceed to pass the following;

ORDER

I.A.No.6 filed under Order 22 Rule 4 of C.P.C, IA No.7 filed under Order 22 Rule 9 r/w sec. 151 of C.P.C. and IA No.8 filed under Section

5 of the Limitation Act by the applicant/plaintiff are hereby allowed.

In the result, the delay in filing the application to bring the legal heir of the deceased defendant No.5 on record is hereby condoned. Further the abatement order of the suit against the deceased defendant No.5 is hereby set aside. Further the legal representative of deceased defendant No.5 as mentioned in the application is hereby brought on record.

The plaintiff is permitted to amend the cause title of the plaint to that effect and furnish amended plaint on or before 18-09-2025.

Call on to furnish amended plaint by 24-09-2025.

Senior Civil Judge,
Bailhongal