

ORDERS ON I.A.Nos.I to IX

IA No.I to III are filed under Order 22 Rule 4 R/w 151 of CPC, under Order 22 Rule 9 R/w 151 of CPC and under section 5 of Limitation Act respectively seeking permission to bring the LRs of deceased respondent No.5 Boraiah i.e. the proposed respondents Nos.5 (a) to 5 (c) on record.

2. IA No.IV to VI are filed under Order 22 Rule 4 R/w 151 of CPC, under Order 22 Rule 9 R/w 151 of CPC and under section 5 of Limitation Act respectively seeking permission to bring the LRs of deceased respondent No.7 Sharadamma i.e. the proposed respondents Nos.7 (a) to 7 (f) on record.

3. IA No.VII to IX are filed under Order 22 Rule 4 R/w 151 of CPC, under Order 22 Rule 9 R/w 151 of CPC and under section 5 of Limitation Act respectively seeking permission to bring the LRs of deceased respondent No.1 Papanna i.e. the proposed respondents Nos.1 (a) to 1 (e) on record.

4. Except the proposed respondents Nos.1 (a) to 1 (e) none of the other proposed

respondents have put in their appearance in the present case.

5. The proposed respondent nos.1(a) to 1(e) have filed their objection statement separately to IA.No.7 to 9 contending that the respondent no.1 had preferred an appeal before the Hon'ble High Court of Karnataka in RFA No.718/2022 and the same is pending. Further it is contended by them that only to drag on the proceedings the present applications are filed by the petitioner. On these grounds and such other it is prayed for dismissal of the IA No.7 to 9.

6. Heard arguments. Perused records.

7. The present petition is filed under section 54 of Civil Procedure Code, seeking drawing up of final decree in terms of judgment and decree passed by this court in O.S.No.57-2016 dated 20-04-2024. The fact that the respondents Nos.5, 7 and 1 are no more, is not in dispute. It is also not in dispute that the proposed respondents are the only legal heirs of the deceased respondents. Considering the nature of the petition, the presence of proposed respondents is necessary for just and

complete adjudication of the matter. Though the proposed respondent nos.1(a) to 1(e) have contended that the respondent no.1 had preferred an appeal in RFA No.718/2022, no stay has been granted by the Hon'ble High court. If the present respondent no.1(a) to 1(e) are brought on record no legal injury or greater hardship will be caused to them. Thus for these reasons, this court is of the considered opinion that the applications filed by the petitioners deserve to be allowed. In the light of foregoing discussions, this court proceeds to pass the following

O R D E R

IA Nos.I to III filed by the petitioner under Order 22 Rule 4 of CPC, under Order 22 Rule 9 of CPC and under section 5 of Limitation Act respectively are hereby allowed.

The petitioner is permitted to bring the proposed respondents Nos.5 (a) to 5 (c) on record. The delay caused in doing so is condoned.

IA Nos.IV to VI filed by the petitioner under Order 22 Rule 4 of CPC, under Order 22 Rule 9 of CPC and under section 5 of Limitation

Act respectively are hereby allowed.

The petitioner is permitted to bring the proposed respondents Nos.7 (a) to 7 (f) on record. The delay caused in doing so is condoned.

IA Nos.VII to IX filed by the petitioner under Order 22 Rule 4 of CPC, under Order 22 Rule 9 of CPC and under section 5 of Limitation Act respectively are hereby allowed.

The petitioner is permitted to bring the proposed respondents Nos.1 (a) to 1 (e) on record. The delay caused in doing so is condoned.

The petitioner is directed to carry out amendment of the petition accordingly, within 14 days from today and shall file amended petition by next date of hearing.

For filing of amended petition
by 20-02-2025

Senior Civil Judge & JMFC
Challakere

