

### **ORDERS ON I.A.NO. III TO V**

The appellant No.2 on record has filed 3 applications U/O. XXII R.3 & R.9 of CPC & Sec. 5 Of Limitation Act. Thereby she has prayed to bring the legal heirs of deceased appellant No.1 on record.

Since the legal heirs are represented by Sri.GCM the respondents have not filed their objections through LR's petition. Hence, heard and peruse the records. There is no dispute that, the appellant No.1 died on 16.02.2019. On perusal of the list of legal heirs of deceased appellant it appears that, there are totally 3 legal heirs left behind by the appellant No.1.

Considering the fact that, the appellant No.2 was ascertaining as to who are legal heirs of deceased appellant No.1. As such, I am of the opinion that, the delay in filing the LR's petition has been properly explained by the appellant No.2. Having regard to nature of the case I am of the opinion that, the cause of action is survived as against the legal heirs of appellant No.1. Hence, the applications are deserved to be allowed. Accordingly, following:

**ORDER**

The I.A No.V filed by appellant No.2 U/Sec.5 of Limitation Act is allowed. Thereby the delay in filing the legal heirs application is condoned.

The IA.No.IV filed by the appellant No.2 U/O.XXII R.9 of CPC is allowed and the order of abatement against appellant No.1 is set aside.

The IA.No.III filed by appellant No.2 U/O.XXII R.3 of CPC is allowed. Consequently the appellant No.2 is permitted to bring the legal

heirs of deceased appellant No.1 on record by amendment to the appeal cause title within 7 days from the date of this order and shall furnish amended appeal also. For compliance by

Senior Civil Judge & JMFC.,  
Hiriyur