

ORDERS ON LR's PETITION

The son and daughters of deceased petitioner No.1 have filed two applications U/O XXII rule 3 of CPC and U/S 5 of Limitation Act thereby submitted that, they are the only legal heirs to deceased petitioner No.1 Srinivas Gupta who died on 25-11-2023. They have further submitted that, the wife of said petition also died on 03-08-2023 as such they have prayed to allow them to come on record to proceed with the matter in the interest of justice. At IA No.14 they have submitted that, earlier they were not able to contact their advocate since they were under shock and dismay as their father was passed away. As such they have prayed to condone the delay in filing LR's petition in the interest of justice.

2. Since the LR's have appeared through the learned advocate and the respondents have not filed any objections as such I have heard the learned advocates and perused the records.

3. The top noted case has been filed to execute the preliminary decree passed in

OS No.154/1986, in RFA No.397/1993 on the file of Hon'ble High Court of Karnataka whereby the original petitioner and respondents have been declared entitled for shares. There is no dispute that, the original petitioner has passed away on 25-11-2023 and survived by the applicants. The LR's petition was filed on 07-02-2024 it means the application has been filed within limitation. Since there is no delay and petition is also not abated as 90 days were not completed when the LR's petition was filed in the court. Hence, considering the nature of case and legal status of applicants I proceed to pass the following;

ORDER

The LR's petition filed by the applicants U/O XXII rule 3 of CPC is allowed thereby the applicants are permitted to come on record as petitioners by amendment to petition cause title within 7 days from this order and they shall file amended petition also.

The IA filed U/S 5 of Limitation Act does not survive as the LR's

petition was filed in time
accordingly, it is disposed off.

For compliance by 05.03.2024

**Senior Civil Judge and JMFC.,
Hiriyur**