

ORDERS ON I.A.NO. I TO III

The appellant has filed 3 applications U/O. XXII R.4 & R.9 of CPC & U/Sec. 5 of Limitation Act. Thereby the appellant has prayed to permit him to bring the LR's of deceased respondent No.4 i.e., Respondent No.4(a) to (d) by condone the delay.

After service of LR's notice to the LR's of respondent No.4, Resp.No.4(a, c and d) have appeared through Sri. KSL and said they have no objections to LR's petition. Hence, heard and perused the records. There is no dispute that, the respondent No.4 died in the year 2021. On perusal of the list of legal heirs of deceased respondent it appears that, there are totally 4 legal heirs left behind by the respondent No.4.

Considering the fact that, the appellant was ascertaining as to who are legal heirs of deceased respondent No.4. As such, I am of the opinion that, the delay in filing the LR's petition has been properly explained by the appellant. 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 respondent No.4. Hence, the applications are deserved to be allowed. Accordingly, following:

ORDER

The I.A No.1 to 3 filed by the appellant U/O. XXII R. 4 and 9 of CPC along with Sec. 5 of Limitation Act are allowed.

Thereby the delay in filing the legal heirs application is condoned and the order of abatement against respondent No.4 is set aside.

Thereby appellant is permitted to bring the legal heirs of deceased respondent No.4 on record by amendment to the appeal memo 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