

ORDER ON IA NO.IV

The present application is filed by the decree holder under Order 22 Rule 4 R/w Section 151 of CPC to bring the legal representative/ heir of the deceased judgment debtor by name B. Rathnamma W/o B.N.Shetty on record. Description of legal heirs to be brought on record.

1(a). Sri. B.N.Shetty,
S/o Late Gangadhara Shetty,
Aged about 84 years.

1(b). Sri.K.N.Tharanath Shetty,
S/o Late Smt. Rathnamma,
Aged about 37 years.

Both are R/o K.M.Road,
Mavinakere Village, Kalasa Post,
Hobli and Taluk.

1(c). Smt Bhavya,
D/o Late Rathnamma,
W/o Surendra Shetty,
Aged about 40 years.
R/o Kargadde, Mavinakere Village,
Kalasa Hobli and Taluk.

1(d). Smt Yashodha @ Shobha,
W/o Late. Arvindh K.N. Major.

1(e). Sri. Rachan Shetty,
S/o Late. Arvindh K.N.,
Aged about 20 years.

1(d) and (e) are R/o Door No.1-42(4),
Nalyadi Guthu House, Dandiguli Post,
Mundagalu Village, Bantwal Taluk,
D.K.District.

2. In support of the present application, the applicant has filed affidavit by stating that the judgment

debtor has died on 06.07.2025 leaving behind the proposed judgment debtor 1(a) to (e) as his sole legal representative/ heir. Further the applicant has also submitted that proposed judgment debtor 1(a) to (e) entitled to success his property and right to sue survive in their favour. Hence it is necessary to bring them on record in this petition. On these averments, the decree holder has sought for allowing the applications.

3. On the other hand, since the proposed judgment debtor 1(a) to (e) have kept absent before this Court the objection has been taken as nil.

4. Heard and perused.

5. This is a petition filed by the decree holder against the judgment debtor for delivery of the possession and to issuance of attachment and sale of the movable properties of the judgment debtor and for arrest and detention of the judgment debtor. When the matter has been posted for cross of RW1, the judgment debtor got reported dead on 06.07.2025. The death certificate produced in this regard to disclose the same.

6. As per Order 22 Rule 4 of Cr.P.C. if a defendant dies and where the right to sue survive, as per the above provision the parties will have a right to continue the suit by substituting the legal representative of the deceased. The present application came to be filed on 10.10.2025 and the same came to be allowed on 24.10.2026. But the learned counsel for judgment debtors submits that since the PO is on training on due to over sight she could not

able to carry out the said amendment in the petition. The said reason shows bonafide and unintention. Under this circumstances, this Court is proceeds to pass the following:

ORDER

I.A. No. IV filed by the decree holder under Order 22 Rule 4 R/w Section 151 of CPC is hereby allowed.

Decree holder is permitted to carry out the amendment in the petition and to file the amended petition.

**To file amended petition. by:
23.06.2026.**

Sd/-
I Addl. Civil Judge & JMFC,
Mudigere.