

ORDERS ON I.A.No.I

This I.A. No.I is filed by the applicant/ Decree holder under Order XXII Rule 2 r/w Section 50 and 151 of CPC, praying this court to bring the legal representative of deceased Jdr. on record as supplemental Jdr. 1(a) in the above Case.

In the affidavit annexed to the application applicant/ decree holder has stated that, due to lack of knowledge about the legal heirs of the deceased Jdr, it could not file the above application earlier. The delay in filing the above application is neither intentional nor deliberate, but the same is beyond its control and due to lack of knowledge. Further, the judgment debtor is demised on 24.09.2024. The proposed supplemental Jdr. 1(a) is the legal heir of deceased Jdr. and necessary party to the case. Hence, she is just and necessary party in the above case and prayed to allow the applications.

In spite of service of notice to the proposed Jdr. 1(a), she has remained absent before the Court. Hence, the above application remained unchallenged.

Heard the counsel for Dhr. Perused the case records.

The case is filed for the relief Execution of money recovery of a sum of Rs.63,301 with costs. The Jdr has been directed to repay the loan amount of Rs.62,429/- to the Dhr bank with future interest at 8% p.a till its realization. The Jdr. to pay sum of Rs.5,518 towards costs. The Jdr.

demised during the pendency of the above case. As the suit is for the above said relief, the right and interest of judgment debtor on the subject-matter of the case devolve upon his LR.s. Therefore, the said proposed LR.s of judgment debtor would be necessary party without her presence, the determination of the issues for consideration could not be adjudicated. Further, by looking into the averments stated in the affidavit annexed to the respective application, it discloses that, the proposed judgment debtor 1(a) is the necessary party to the case and without her presence, the dispute between the party could not be determined effectively and completely. Accordingly, this court proceeds to pass the following:

ORDER

The I.A. No. I filed under Order XXII Rule 2 r/w Section 50 and 151 of CPC by the applicant/ Dhr is hereby allowed. Consequently the proposed judgment debtor 1(a) is impleaded in the above Case.

Consequently the LR.s of Jdr. is brought on record as judgment debtor No.1(a).

Call on for amendment of Execution Petition and also to file amended Execution Petition.

By : 11.12.2025.

Sd/-

C.J & JMFC, Sringeri.