

**IN THE COURT OF THE CIVIL JUDGE AND
ADDITIONAL J.M.F.C., AT TARIKERE**

Present : SMT.PAVITHRA.M.D, B.A., LL.B.,
Civil Judge & Addl. JMFC. Tarikere.

OS. No. 315/2012

Dated: 04th Day of January 2021.

ORDER ON IA.

The applicants have filed this application under Order 22 Rule 2 R/w Sec.151 of CPC to bring them as LR's of deceased plaintiff No.1 on record and also filed application U/Or.22 Rule 9(2) R/w Sec.151 of CPC to set-aside an order of abatement and also filed application U/Sec.5 of Limitation Act to condone the delay in filing the application U/Or.22 Rule 2 R/w Sec.151 of CPC.

2. It is averred in the affidavits annexed to the applications that, their mother Kallamma has filed the present suit against the defendants for the relief of declaration and possession. One Basappa is the progenitor of their family and the said Basappa had 3 issues namely Shekharappa, Maheshwarappa and Girijamma and out the said issues of Basappa, Maheshwarappa was passed away leaving behind his wife Rathnamma and his son Onkarappa. Except the applicant, no other LR's of deceased plaintiff. The plaintiff was died on 25.01.2020 and the legal heirs of deceased plaintiff were unable to necessary application to being the LR's of the deceased plaintiff. Due to COVID-19

Pandemic, the applicant was unable to approach his counsel to file necessary application within time and hence, there is a delay in filing the application. Hence, these applications.

3. The defendant submitted no objection to the applications.

4. Heard on applications.

5. Perused the applications in the backdrop of materials available on record. The plaintiff has filed this suit for declaration and possession. During the pendency of the suit the plaintiff was died on 25.01.2020. The applicants have filed these application in order to bring the LR's of deceased plaintiff on record and also prayed to condone the application, since there is a delay in filing the present application due to COVID-19 pandemic. The counsel for the defendant submitted no objection for the applications accepting the reasons assigned by the applicant in the present applications. Further, the reasons assigned by the applicants in the present applications are sufficient. Moreover, the right to sue survives on the applicants. Wherefore, I find no impediment to permit the applicant to come on record as the legal heir of deceased plaintiff. Hence, in order to meet the ends of justice and to avoid multiplicity of proceedings, the applications filed by the applicants deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

The applications filed by the applicants are hereby allowed.

Consequently, the applicant is hereby permitted to come on record as legal heir of deceased plaintiff.

No order as to cost.

To carry out amendment and amended
plaint by 25.01.2021.

Sd/-

**(PAVITHRA.M.D)
CIVIL JUDGE AND
ADDL.J.M.F.C., TARIKERE.**