

**ORDER ON I.A.NO.I**

The present application filed U/section . 42, 50 and 146 R/w Order 21 Rule 10 and 16 and Order 22 Rule 12 of C.P.C. by the advocate for legal heirs of DHR along with valakalath seeking permission of the court to bring the legal heirs of deceased DHR on record to continue the execution petition.

2. In support of the application the applicant sworn an affidavit and stated that, his father filed the present execution petition for the recovery of specified amount as per decree obtained in O.S.No. 264/2019 against the JDRs dated 17-12-2021, during the pendency of this petition his father died on 03-02-2023 by leaving behind him as his legal heir. Thus this application filed by him to continue the execution proceedings against the JDr as the legal heir of DHr. If this application is allowed no harm will be caused to the other side. Because the JDR has paid some of the part of the amount, if the application is not allowed he will be put to great injustice and caused much inconvenience to him. Thus, prays to allow the application.

3. Despite due service of notice on Jdr, remained absent. Thus, there is no objection for the present application also.

4. Heard. Perused the application.

5. Admittedly the present execution petition filed by the DHR during his lifetime and during the pendency of the petition DHr died on 03-02-2023 and the same is reported to the court on 20-05-2023 through memo.

6. It is clear that the DHR who alleged to be father of applicant obtained decree against the JDRs bearing

O.S.No264/2019 dt 17-12-2021 for recovery of sum of the Rs. 1,53,650/- with interest at the rate of 6% per annum on Rs.1,00,000/- from the date of suit till realization. Due to the none compliance of the said decree by the JDr side the DHR preferred present petition. Though the notice of this application duly served upon the JDr he remained absent. Hence the applicant who alleged to be legal heir of DHR prays the court to bring him as legal heir of the deceased DHR to continue the execution petition has right to sue survives on him.

7. The said application preferred by the applicant within due time. Hence the legal heir of DHR steps into the shoes of the DHR After the death of DHR allowing his legal representatives, to pursue the decree is very much necessary to get the fruits of the court decree. Thus, this court proceeds to pass the following,

**ORDER**

I.A.No.1 filed by the applicant U/Or. 42, 50 of C.P.C. is hereby allowed.

Consequently the legal heirs of DHR is permitted to come on record to continue the execution proceedings. Pursuant carry out amendment in the cause title of the petition and to produce amended petition.

Call on 05-12-2025.

I Addl Civil Judge & JMFC

**Channagiri.**



Order pronounced in the open court  
(Vide separate order)

ORDER

The petition filed by the petitioner is hereby allowed.

The respondents are hereby directed to register the date of death of **Smt. GANGAMMA W/O THIMMAPPA @ THIMMABHOVI** (ಶ್ರೀಮತಿ ಗಂಗಮ್ಮ ಕೋಂ ತಿಮ್ಮಪ್ಪ ಯಾನೆ ತಿಮ್ಮಾಭೋವಿ) **who died on 19.04.1978 at V.Ramenahalli Village, Channagiri Taluk** and to issue death certificate to the petitioner by collecting necessary fees.

I Addl Civil Judge And JMFC  
Channagiri.