

ORDERS ON IA NO. IX

This IA has been filed by the counsel for the petitioner and prays to implead the LR's of respondent No.1 as proper & necessary parties to this petition.

2. In support of the IA, petitioner filed affidavit and contended that the respondent No.1 was died on 21-04-2023 leaving behind the proposed respondents as his surviving legal heirs. It is stated that the proposed respondents are proper and necessary parties to this petition. Hence prays to allow the IA.

3. Notice on IA served against the proposed respondents. In response of the notice, proposed respondent No.1(a) and 1(b) appeared through their Advocate and the proposed respondent No.1(c) remained absent. Proposed respondent No.1(a) and 1(b) or proposed respondent No.1(c) have not filed any objections to the IA.

4. Perused the IA and material particulars available on record. Below mentioned points arisen for my consideration.

POINTS

1. Whether the petitioner made out grounds to consider the IA No.IX filed under Order 22 Rule 4 R/w Section 151 of CPC and are entitled for the relief as sought for?

2. What order ?

5. Heard on IA. Perused the material particulars available on record. My findings to the above points is as hereunder.,

Point No.1 : In the Affirmative.

Point No.2 : As per the final order for the following.,

REASONS

6. **Point No.1:** This petition is filed seeking for to draw final decree as per the preliminary decree passed in OS No.91/2005. There is no dispute regarding death of respondent No.1 and also relationship of the proposed respondents with the deceased respondent No.1. Proposed respondents not opted to file the objections. There is no resistance from the proposed respondents to the relief claimed by the petitioner in this IA. By taking note of preliminary decree passed in OS No.91/2005, it reflects proposed respondents have also got

specific rights with respect of the properties mentioned in the petition schedule. By taking note of non filing of objections by the proposed respondents, this Court opines that petitioner is entitled for the relief as sought for in this IA. If IA is allowed no harm or in-justice is going to be caused to the proposed respondents. Hence, I proceed to answer point No.1 in the Affirmative.

7. **Point No.2:** For the reasons as discussed above in Point No.1, I proceed to pass the following.,

ORDER

IA No.IX filed by the petitioner under Order 22 Rule 4 R/w Section 151 of CPC is allowed. Petitioner permitted to bring the LR's on deceased respondent No.1 as proper and necessary parties to this petition.

Counsel for the petitioner is permitted to amend the cause title by impleading the LR's of respondent No.1 as respondent No.1(a) to 1(c).

For amendment.

Call on 06-06-2025.

(Devaraj.Y.H.,)

Addl. Senior Civil Judge & JMFC,
Puttur, D.K.