

**IN THE COURT OF THE CIVIL JUDGE AND J.M.F.C.
NAVALGUND**

Present : Sri. Naveen F. Dsouza
B.B.A., L.L.B., (Spl).,
Civil Judge and JMFC., Navalgund.

FDP No.4/2019
Dated this the 27th March, 2026

Petitioner 1. Yallappa S/o Krishnappa Chindhagandi
since deceased by his LR's.
(By Sri.KNK-Advocate)

Versus

Respondents 1 Govindappa S/o Hanamappa Navalgund &
Others.
(By Sri.VTK-Advocate)

PARTIES TO I.A No.5, 6 and 7

Applicant 1. Vinayaraddi S/o Yallappa Chinchagandi
(petitioner-1d)

Versus

Opponents 1. Govindappa S/o Hanamappa Navalgund &
(Respondents) Others

ANNEXURES

i	Provision of applications	IA-5: U/o.22 Rule 4 R/W 151 of CPC, IA-6: U/o. 22 Rule 9 R/w S.151 of CPC IA-7: U/Sec.5 of Limitation Act,
ii	Relief sought	Bring LRs of respondent No.2(d) on record.
iii	The date of applications	23.01.2026
iv	Number of the application	I.A. No.5, 6 and 7
v	The date of objections	Nil
vi	The date of order	27.03.2026

ORDER ON I.A.NO.5, 6 & 7

The advocate for petitioners has filed I.A. No.5 under order 22 rule 4 R/w Section 151 of CPC seeking for an order to bring the legal representatives of deceased respondent No.2(d) as respondent No.2(d)(1) to 2(d)(5) and also filed I.A. No.6 under Order 22 Rule 9 R/w section 151 of CPC praying to set aside abatement if any to bring the legal representatives of deceased respondent No.2(d) and permit the petitioners to bring the legal representatives of deceased respondent No.2(d) as respondent No.2(d)(1) to 2(d)(5) and also I.A. No.7 under Section 5 of limitation Act to condone delay to bring the application to set aside abatement.

2. In the applications it is contended that the respondent No.2(d) in this case has died on 20.02.2025 during pendency of the petition and said fact came to be known to the petitioners recently and LR's of deceased respondent No.2(d) i.e., respondent No.2(d)(1) to 2(d)(5) are necessary parties in this petition and that the cause of action survives against them after the demise of respondent No.2(d) as such they are required to be impleaded in this suit.

3. This is a petition for final decree. Therefore, the cause of action survives even after the demise of deceased respondent No.2(d). However, due to the delay in bringing LR's of deceased respondent No.2(d) on record by operation of law they contend that the petition has abated as such they have filed application seeking setting aside abatement. Thus the presence of LR's of deceased respondent No.2(d) is essential for complete adjudication of the dispute between the parties. Since the presence of LR's are necessary for complete adjudication of the case, this Court is of the considered view that the application filed under Order 22 Rule 4 and 9 of CPC., deserves to be allowed. Consequently, the LR's of

deceased respondent No.2(d) i.e., respondent No.2(d)(1) to 2(d)(5) are brought on record.

4. Notice on I.As. was served upon LR's of respondent No.2(d), and they have not filed any objections and applications are unopposed.

5. The present applications are filed on 23.01.2026. Thus, the reasons mentioned in the affidavit filed in accompanying the applications deserves to be accepted. Hence, this Court proceeds to pass the following;

ORDER

*The I.A.No.5, 6 and 7 filed Under Section 5 of Limitation Act and under Order XXII Rule 9 of CPC under Order XXII Rule 4 R/w section 151 of CPC, to condone delay, set aside abatement in bringing LR's of deceased respondent No.2(d) and to bring them on record is allowed and the abatement by virtue of law is set aside with **cost of Rs.300/-**.*

The respondent No.2(d)(1) to 2(d)(5) are brought on record as LR's of deceased respondent No.2(d).

The petitioners are directed to amend the cause title in the original petition and also submit the amended petition copy by mentioning the description of those legal representatives as mentioned above.

The petitioners shall carry out the amendment within 14 days from the date of this

order. Failure to which the amendment shall be struck down.

The C/C is present and seeks accommodation to file report.

*For compliance and for report call on :
28.04.2026*

(Typed and transcript revised by me, formatted by the steno, corrected and then pronounced by me in the open Court on this **27.03.2026**).

(Naveen F. Dsouza)
Civil Judge and J.M.F.C.,
Navalgund.
