

**ORDER ON I.A U/s 5 of Limitation Act and I.A U/o 22 rule
3 of C.P.C**

The applicant has filed I.A U/s 5 of Limitation Act and sought to condone the delay caused in bringing the LRs of deceased petitioner and he has filed I.A U/o 22 rule 3 of C.P.C and sought to bring LRs of deceased petitioner.

2. The applicant has sworn to an affidavit in support both the applications and stated that, the petitioner died on 08-06-2016 living behind him P1(a) to 1(m). The delay is due to bonafide reasons. Hence, prays to allow the applications.

3. The respondents have filed objections to I.A and contended that, deceased petitioner had 3 wives and his first wife has not made as party to the application. Hence, prays to dismiss the application.

4. Perused the records. Heard the arguments.

5. This Mis petition is filed to set aside ex-parte decree passed in O.S 245/2012. Hence, the right to sue and right to prosecute survives. More over if all the LRs are not made as parties to the petition is there internal family matter and if the present petitioners succeeds in this petition and the original suit then the other LRs of deceased petitioner will also get rights. On perusal of the affidavit it is clear that the delay is due to bonafide reasons. Hence, the following;

-:: ORDER ::-

The applications filed by applicant U/s 5 of Limitation Act and U/o 22 rule 4 of C.P.C are here by allowed.

The P1(a) to 1(m) are brought on record as LRs of deceased petitioner. The petitioners shall amend the plaint and furnish the amended petition .

For amendment 20-06-2017.

(Sagar G. Patil)
Prl. Civil Judge & J.M.F.C.,
Channarayapatna.

