

KAHV010019672017



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE & PRESIDING OFFICER-LABOUR COURT,
AT: HAVERI.**

PRESENT:

SRI. K. C. SADANANDSWAMY
B.Com., LL.M,
Prl. District & Sessions Judge, Haveri &
Presiding Officer, Labour Court, Haveri.

DATED THIS THE 30th DAY OF AUGUST, 2024

K.I.D. No.12/2017

First Party/Workman:

Sri. Z.S. Harihar,
Age: 39 years, Occ: Nil,
C/o D.C. Harihar,
4th Cross, Rajarajeshwari Nagar,
Ranebennur, District: Haveri.

(By Sri. M.H.Bhat, Advocate)

V/s

Second Party/Management:

The Management of NWKRTC,
Haveri Division,
Represented by Divisional Controller,
Haveri Division, Haveri.

(By Shri. S.R. Patil, Advocate)

Parties in I.A.No.VI**Applicant/s:**

Sri. Z.S. Harihar,
(By Sri. M.H.Bhat, Advocate)
V/s

Opponents/respondent/s:

The Management of NWKRTC,
Haveri Division,
(By Shri. S.R. Patil, Advocate)

ORDER ON I.A.NO.VI

The legal heirs of 1st party workman/applicants have filed this I.A.No.VI under order XXII rule 3 r/w Sec. 151 of CPC to bring the legal heirs of deceased claimant/1st party workman.

2. It is mentioned in affidavit of 1st applicant that the applicants are legal heirs of deceased 1st party workman. There are no legal heirs of deceased 1st party workman. Recently, she came to know that their names have to be included in the petition. It is prayed that this IA No.VI is to be allowed.

3. The learned counsel for respondent has filed objection to IA No.VI contending that this application is not maintainable under law. This respondent has denied the

contents of affidavit filed in support of IA No.VI. There is inordinate delay in filing this application. It is prayed that IA No.VI is to be dismissed.

4. This Court has heard arguments on both sides and perused records carefully.

5. The following points arise for my consideration.

1. Whether the applicants have made out valid grounds to allow IA No.VI filed U/o XXII Rule 3 r/w Sec.151 of CPC?
2. What order?

6. My answer to above points are as under.

Point No.1 In affirmative

Point No.2 As per final order
for following:

REASONS

7. Point No.1: - I have gone through the contents of application, affidavit, objections, claim petition and other records. 1st party workman had filed this claim petition U/s 10-4(A) of I.D.Act on 13.06.2017. He died on 21.02.2020 as per true copy of death certificate. This application is filed on 01.07.2023. The applicants have produced copy of survival certificate dated 22.03.2024 issued by Deputy tahsildar, Ranebennur, wherein, the applicants are shown as legal heirs of deceased 1st party workman. There are no other

claimants/applicants to claim right in this petition. Hence, objections of respondent/management is not so serious to reject this application. The grounds mentioned in IA No.VI are satisfied. The applicants have made out valid grounds to allow IA No.VI. I have constrained to answer point No.1 in affirmative.

8. Point No.2: In result, I proceed to pass following:

ORDER

I.A.No.VI filed by applicants U/o XXII
Rule 3 r/w Sec. 151 of CPC is hereby allowed.

The legal heirs of 1st party/workman are
brought on record.

It is permitted to applicants to amend the
claim petition.

(Dictated to the Stenographer Grade-I, transcribed and typed by her/him corrected and signed by me and then pronounced in the open court on 30th day of August, 2024.)

(K. C. SADANANDSWAMY)
PRINCIPAL DISTRICT & SESSIONS JUDGE,
& PRESIDING OFFICER, LABOUR COURT,
HAVERI.

