

**ORDER ON I.A.NO.III FILED BY
APPELLANTS U/ORDER I RULE
10(2) R/W SECTION 151 CPC.**

The appellants filed instant application U/Order I Rule 10(2) R/w Section 151 of Code of Civil Procedure to transpose legal heirs of deceased appellant No.2 as respondent No.3(a) to 3(f).

2. It is averred in the affidavit annexed to the application that, the legal heirs of deceased appellant No.2 have been brought on record in Misc.Appeal No.6/2021 on the file of Hon'ble III Addl. District and Sessions Judge, Kalaburagi but, they are not inclined to prosecute instant appeal. The matter on hand pertains to the year 2006 as such, needs to be disposed on expeditiously. Hence, prayed to allow this application.

4. In view of above, this Court carefully perused judgment in Misc. Appeal No.6/2021 wherein, it appears that, the legal heirs of deceased appellant No.2 have been brought on record. It also appears from said

order that, the Hon'ble III Addl. District and Sessions Judge, directed to dispose of instant appeal expeditiously. It is specific claim of appellant that the legal heirs of deceased appellant No.2 who were respondent No.3(a) to 3(f) in said Miscellaneous Appeal are not interested to prosecute instant appeal. In such eventuality, it could be just and necessary to allow appellants to transpose legal heirs of deceased appellant No.2 as respondents. If said application is not allowed, the rights of appellants will be prejudice seriously. In view of above, this Court is of view of that, appellants have made out sufficient grounds to allow this application. Accordingly, this court proceeds to pass following:

ORDER

IA No.III filed by appellants U/Order I Rule 10(2) R/W Section 151 of Code of Civil Procedure is hereby ALLOWED.

**Consequently, appellants are permitted to transpose legal heirs of deceased appellant No.2 as respondent No.3(a) to 3(f).
No order as to cost.**

**C/c Sr. CJ & JMFC,
Aland**

For amendment and to file amended appeal memo.

Call on: 20-09-2025.

**C/c Sr. CJ & JMFC,
Aland**