

COMMON ORDERS I.A.No. III TO IV

These common orders arise out of I.A.No.III and IV being filed by the counsel for cross objector to bring the LR's of deceased cross objector II.I.A No.III U/o XXII Rule 4 C.P.C, I.A.No.IV U/Sec. 5 of Limitation Act.

2. In support of applications the cross objector filed affidavit stating that cross objector No.II died on 12.01.2025. Hence, there is 131days delay in filing the IA's, hence, the right to sue survives to the surveying of the LRs of cross objector No.II, therefore, they are necessary parties in this petition and cross objector No.II has claim against Dhr therefore, prayed for the allow the IA's.

3. Counsel for Dhr filed objection to IA No.III and IV and contended that the cross objectors well known about the death of the cross objector No.II but not noticed to the court within the time, they have intention to just prolong the matter, hence they have made present applications after laps time, they have not shown any good reasons condone the delay in filling the present IA's . hence the cross objector filed IA's are not maintainable , prayed for the reject on costs.

4. Heard and perused the record, the following points arise for my consideration.

1. Whether cross objector has made out grounds to allow the I.A.No.III and IV as prayed for?

2. What order?

5. My answer to the above points are as follows:

Point No.1: In the affirmative.

Point No.2: As per final order for the

: R E A S O N S :

6. **Point No.1:-** The cross objector filed affidavit stating that cross objector No.II died on 12.01.2025. Hence, there is delay in filing the IA's, hence, the right to sue survives to the surviving of the cross objector No.II, therefore, they are necessary parties in this petition and cross objector has claim in suit property. There is a delay in filing applications and prayed to condone 131 days delay sought permission for bring the Lrs's of deceased cross objector on the record to contest their case. It is pertinent to that where the cross objector themselves filed these application hence the notice on these applications not issued to them, further it is pertinent to note that where the Dhr is being senior citizen aged about 60 years, keeping all these in mind to complete the execution proceedings as much as sooner is necessary . Therefore it is just and necessary to condone the delay in filing the said applications. The cross objector has made out grounds to allow the said applications. Hence, point No.1 is answered in the affirmative.

7. **Point No.2:** In view of above reasons, court proceed to pass the following:

: O R D E R :

I.A.No.II and IV filed U/o XXII Rule 4 of C.P.C, and U/sec 5 of Limitation Act are hereby allowed on costs of Rs,500/- each.

L.R's of cross objector No. II is permitted to come on record.

For amendment and amended cross objector petition.

Call on 24-10-2025.

**Civil Judge, & JMFC.,
Afzalpur**