

ORDERS ON IA NO.I to III

The IA No.I filed under Order XXII Rule 3 r/w Section 151 of CPC, IA No.II under Order XXII Rule 9 r/w Section 151 of CPC and IA No.III filed under Section 5 of Limitation Act, by the applicant no.1 by name Nethravathi W/o Late Y.G.Mahesh and her two minor children by name applicant no.2 Kumargowda and applicant no.3 Rohithgowda, minors represented by their mother applicant no.1 to come on record as LR's of petitioner Mahesh Y.G.

2. In the applications it has been stated that, petitioner Mahesh Y.G. is no more, he died on 15.04.2017. Applicants are the only legal heirs of Mahesh Y.G., but due to non-availability of documents, they could not come on record as LR's within time framed. They have succeeded the estate of the deceased. Thereby, they have sought for impleading them as LR's of petitioner.

3. Respondent No.1 and DGP/on behalf of respondent No.2 to 4 have filed objections to these applications stating that, the applications are not maintainable, applicants have not produced documents to substantiate that they are the LR's. Further the applicants have not shown sufficient reasons for condonation of the delay, they have not produced documents to substantiate their contentions. Accordingly they have prayed for dismissal of the applications.

4. The applicants have produced Death certificate of Mahesh Y.G., which shows that the petitioner died on 15.04.2017 during the pendency of this proceedings. Further applicants have produced Genealogical tree, issued by Revenue Department. On oral enquiry the applicants submitted that, award was passed in the name of Ankegowda, who is no other than elder brother of deceased petitioner Mahesh Y.G. During the pendency of these applications the said elder brother of deceased Mahesh Y.G. by name Ankegowda appeared before the Court and filed affidavit stating that, he is not having objections to pass the award in favour of applicants, who are the only legal heirs of deceased Mahesh Y.G.

The applicants have produced the copies of Aadhaar cards and affidavit to say that, they are the only legal heirs and except the applicants there are no other LR's to the deceased petitioner. There is nothing on record to disbelieve the averments made by the applicants in their affidavit. Hence, by considering the documents produced by the applicants, I proceed to pass the following :

ORDER

IA No.I to III are allowed.

Applicants are permitted to come on record as LR's of deceased Mahesh Y.G. as petitioner No.1(a) and (c).

Applicants are directed to carry out necessary amendment in the cause title of the petition and file the amended petition in the office within 10 days from this day.

For petitioner evidence call on

***II AD & SJ.,
Mandya.***