

FDP 2/2009: 03.12.2019

Sri. JS advocate for petitioner filed IA 1 to 3. The petitioner has filed IA 1 U/O 22 rule 3 to bring LRs of R-3, R-13 and R-14 on record, IA No.2 U/O 22 rule 9 of CPC along with affidavit to set aside statutory abatement in filing application and IA No.3 U/sec.5 of Limitation Act to condone delay in filing application. It is the case of petitioner that R-3 died on 25.10.2007 by leaving behind R-3(a) to (e), R-13 died on 22.01.1999 by leaving behind R-13(a) to (f) and R-14 died on 29.09.1999 by leaving behind R-14(a) to (k) as legal heirs. The proposed Lrs of are stepped into the assets and liabilities of R-3, 13 and 14. The petitioner sworn that she unable to ascertain the address and other details of legal heirs which caused delay in filing of petition. Though some of the legal heirs have received notice they did not appear and not opposed the application. Though some of legal heirs have appeared to their counsel, they have not filed any objections to the applications. There are reasonable grounds to condone delay in filing application by setting aside statutory abatement and bring the Lrs on record. Hence, IA 1 to 3 are allowed. Consequently, the petitioner is permitted to bring Lrs of R-3, 13 and 14 on record by setting aside statutory abatement and condoning delay

For amendment and amended petition by 18.12.2019

ASCJ, SRIRANGAPATNA