

I Addl. District & Sessions Judge, Mysuru

Ex.67/2020

Counsel for DHr appeared through VC.

Heard the counsel for DHr on IA No.I to III

Sri.R.S.Advocate has filed vakalath on behalf of Applicant No.1(a) to (d) and filed IA No.I U/O XXII Rule 4 r/w sec 151 of C.P.C., IA NO. II U/O XXII Rule 9 r/w sec 151 of C.P.C., and IA No.III U/Sec 5 of Limitation Act seeking an order to bring the applicants on record as LRs of deceased DHr.

In the accompanying affidavit IA No.I to III, the applicant No. 1(d) has stated that himself and applicant No. 1(a) to (c) are LRs of DHr Sri.Chikkanna. Deceased DHr Chikkanna is his father and he passed away on 04.11.2020.

His father has filed above petition for recovery of compensation amount as per Award passed in LAQ/ARB/Cr.No.13/2015-16 by the District Arbitrator Court at Mysuru. Except these applicants there are no other LRs to deceased DHr. After the death of his father they could not contact their counsel since they were busy in performing obsequies ceremony of their father. Only recently they came to know about the stage of the case and their counsel instructed them to file the LR Application by producing the necessary documents like Death Certificate and Survival Certificates.

They have obtained above said documents recently and immediately filed the above applications to come on record as LRs of deceased DHr. Meanwhile there is delay of 16 days of in filing the application. Non filing of the LR application within the time is not intentional but due to the bonafied reasons. Hence if the applications are not allowed they would be put to great hardship and injustice on the other hand no loss or hardship will be caused to the other side. Hence on the above and the other

grounds the applicant no.1(d) has prayed to allow the applications.

Along with the above applications the appellants have produced the Death Certificate of DHr late. Chikkanna and Survival Certificate issued by Dy.Thasildar, Mysuru Taluk.

On perusal of the contents of affidavit annexed to the I.A.I to III, death certificate and survival/genealogical certificate, it is seen that the DHr Sri.Chikkanna died on 04.11.2020 and these applicants are the legal representatives of deceased DHr. At the stage there are no grounds to disbelieve or discard these documents. Hence looking to the contents of affidavit annexed to I.A.I to III and submission made by counsel for Applicants, I proceed to pass the following:

ORDER

I.A.No.I filed U/o.XXII Rule 4 R/w.Sec.151 of CPC, IA NO. II filed U/O XXII Rule 9 r/w sec 151 of C.P.C., and IA No.III filed U/Sec 5 of Limitation Act are allowed.

Applicants are permitted to come on record as LR's of deceased DHr.

To carry out amendment and amended petition.

Call on 05.07.2021

(Saraswathi Vishnu Kosandar)
I ADJ , Mysuru