

KAMS010018482018



**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT MYSURU**

Dated this the 26th day of September 2025

PRESENT

SRI D.PUTTASWAMY, B.A., LL.B.,
I Addl. District & Sessions Judge,
Mysuru.

: LAC/20/2018 :

Petitioner/s : Smt.N.K.Shanthamma dead by
LRs.
M.P.Mohankumar & 2 others
[By **Sri K.T.Suresha**, Adv.]

V/s.

Respondent /s : Asst. Commissioner, Mysuru and
another

[R1 By learned **DGP**]

[R2 Exparte]

Parties to I.A.No.I to III

Applicant/s : M.P.Mohankumar & 2 others
.... LRs of the appellant
(By **Sri K.T.S.**, Adv.)

Vs.

Opponent/s : Asst. Commissioner, Mysuru

and another

..... Respondents

ORDERS ON I.A.I to III

I.A.No.I is filed U/o.22 Rule 2 & 4 of CPC by the applicants No.1 to 3 seeking an order to permit them to come on record as legal representatives of deceased petitioner N.K.Shanthamma. IA No.II is filed U/s.5 of Limitation Act seeking an order to condone the delay if any for making applications to bring the legal representatives of deceased claimant on record and IA No.III is filed U/o.22 Rule 9 of CPC seeking an order to set aside the abatement caused if any by condoning the delay.

2. In the accompanying affidavits to IA No.I to III, the applicant No.1 M.P.Mohankumar has stated that his mother deceased petitioner filed present petition seeking relief of compensation amount, during the pendency of the petition, she passed away on 13.01.2017 leaving behind her, himself & LR No.2 & 3, as her only legal representatives to succeed to her estate. Due to sudden death of their mother and as they are not having legal knowledge, there is delay caused in filing the applications. Except them there are no

other legal heirs to the deceased petitioner. If the applications are allowed no hardship would be caused to the respondents, otherwise it will cause hardship and injury to the applicants and accordingly, prayed to allow the application.

3. Notice of above applications issued to the respondents, but respondent No.1 and 2 have not filed any objections.

4. Then the matter adjourned for enquiry.

5. In support of the above applications, the applicant No.1 examined himself as PW1 and got marked 3 documents as per Ex.P1 to 3 and closed their side.

6. Heard on both sides and perused the material on record.

7. In view of the above facts and circumstances, the point that arise for my consideration is:

1. Whether the applicants have made out sufficient grounds to bring them on record as LRs of the deceased N.K.Shanthamma by condoning delay and setting aside abatement if any as prayed in IA.No.I to III?

8. My finding on the above point No.1 is in the Affirmative for the following:

REASONS

9. **Point No.1:** This is a reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. seeking an order to determine just and reasonable compensation and further to direct the respondents to pay interest on the compensation awarded by the Court.

10. I.A.No.I to III are filed by the LRs of deceased N.K.Shanthamma seeking permission to come on record and to proceed with the petition.

11. As noted above in support of the above applications, the applicant No.1 examined himself as PW1, wherein he has stated that his mother died during pendency of the petition leaving behind himself and other applicants as her legal heirs. In support of his oral evidence, PW1 got marked death certificates of his mother and father N.K.Shanthamma & Puttaswamy M.C. and Survival certificate issued by Deputy Tahasildar, Kasaba Hobli, Mysuru Taluk, as per Ex.P1 and 2 respectively. During cross-examination by the learned DGP, he has denied that since there are no reasonable grounds for filing of LRs application belatedly, the applications have to be dismissed.

12. On perusal of material on record, it is seen that one N.K.Shanthamma has filed this petition and she died on 12.01.2017, her death was reported on 29.05.2018 and on the same day, the counsel for applicants filed the above applications along with vakalath on behalf of applicants. According to applicants, they are poor, they are not having legal knowledge, therefore, they could not file applications well within time, the delay is not intentional, but for bona fide reasons, and accordingly, they have prayed for condonation of delay in filing the LR application.

13. The Hon'ble Supreme Court of India in various cases held that the expression "sufficient cause" in Section 5 of the Limitation Act should receive liberal construction so as to advance substantial justice when no negligence or inaction or want of bona-fide is imputable to a party.

14. As noted above, in this petition, though there is delay in filing the LR application, the applicants have sufficiently explained the delay. Under these circumstances, looking to the facts and circumstances of the case, contents of accompanying affidavits to I.A.No.I to III and submission made on both sides, if the applications are allowed and applicants are permitted to come on record as LRs of

deceased petitioner N.K.Shanthamma, no prejudice will be caused to the respondents. In the result, answering Point for consideration in the **Affirmative**, I proceed to pass the following:

ORDER

I.A.No.I filed U/o.22 Rule 2 & 4 of CPC, IA No.II filed U/s.5 of Limitation Act and IA No.III filed U/o.22 Rule 9 of CPC are allowed.

The delay in filing the LR application is condoned.

The applicants are permitted to come on record as legal representatives of deceased petitioner.

No order as to costs.

[Dictated to the Stenographer on Computer, typed script corrected and pronounced by me in the Open Court on this the **26th day of September 2025**]

[D.Puttaswamy]

I Addl. District & Sessions Judge,
Mysuru.