

ORDERS ON I.A' s

L/c for the petitioner filed these applications U/o 22 Rule 4 and 9 R/w sec. 151 of CPC along with I.A. U/s 5 of limitation Act seeking to bring LRs of the respondent No. 2 as respondent No.2(a) to (e) in the interest of justice.

2. In the affidavit annex to the applications petitioner No. 2 submitted that the respondent No. 2 died on 20.06.2021. The LRs of respondent of R2 are the necessary parties to the petition. Hence, prays to allow the applications by setting aside the abatement order and by condoning the delay.

3. On the other hand respondents did not file objection to the aforesaid I.A' s.

4. Heard both side. Perused the record. Admittedly the petitioner filed this petition seeking for final decree based on the preliminary decree dated 27.10.2018 in O.S. No. 69/2014 filed for partition and separate possession. Since

the suit is one for partition and separate possession the right to sue and to be sued accrued to the LR's of respondent No. 2.

5. As for as delay of filing of application to bring LRs of respondent No. 2 is concerned, admittedly the petition will be abated immediately after the death of the respondent No. 2. His LR's should be brought on record within 90 days from the date of his death. In the case on hand the application filed after 425 days of the death of the respondent No. 2. The petitioners in the application submitted that due to rituals performed at Ayarahalli village, the petitioners could not brought the LR's on time. Thus the reasons for delay is sufficient and acceptable. As such no prejudice will cause to the respondents if the delay is to be condoned in the interest of justice. Thus for all these reasons application is liable to be allowed. Consequently LRs of respondent No. 2(a) to (e) permitted to brought on record.

**FDP. No. 17/2019**

To carried out amendment  
and to furnish amended  
petition call on 28.03.2024.

Sd/-  
**Judge,**  
Court of Addl. S.C., &  
Mysuru