

22.04.2026

ORDER ON IA No.I

The applicant/proposed petitioner No. 1 (a) has filed this application U/Order XXII Rule 3 and 4 R/w section 151 of CPC, praying to come on record as the Lrs of the petitioner in the above case, in the interest and justice and equity.

2. In the accompanying affidavit sworn by the applicant it is stated that, the Petitioner is her husband. The petitioner has filed the present petition for claiming compensation for the injuries caused due to rash and negligent driving of the vehicle. The above case was posted for evidence.

3. Further submitted that, during the pendency of the petition the petitioner passed away on 13.06.2025 leaving behind the applicant as his only legal heir. She has produced the death certificate of the petitioner. Hence prayed to allow this application.

4. On the other hand, respondent No.2 has filed objection stating that, the application is not maintainable either under law or

on facts and the same is liable to be dismissed.

5. Further contended that, the case is filed by Sri. Raju S.P. claiming compensation for the injuries sustained by him in an accident dated 05.10.2024. Further, the applicant has contended that the petitioner expired on 13.06.2025 but she has not stated as to how and where he expired.

6. Further contended that, the said Sri. Raju S.P. had an exclusive right to file the claim petition for claiming compensation for his personal injuries and the same cannot be inherited by anybody. Further, the claim made in the petition by the original petitioner Raju. S.P. is totally his personal right. Further, the applicant cannot inherit his personal right and as such she cannot come on record and step into the shoes of the deceased petitioner and prosecute the petition. It is denied that the death was due to the injuries sustained by him in the alleged accident and it is also denied that the right to sue has

survived to the applicant.

7. Further contended that, it is denied that the applicant is the legal representative of the deceased Sri. Raju S.P. The applicant is put to strict proof of the same. Further, it is a settled law that a right to claim compensation for the personal injuries of a person dies along with his death and nobody can inherit the same. Hence on these grounds prays to dismiss the applications.

8. Heard both side, perused the materials on record.

9. The petitioner Sri. Raju S.P. filed this petition seeking for compensation to the injuries sustained by him in the road traffic accident. During the pendency of the petition the petitioner reported to be dead. The applicant filed the present application to come on record as a legal heir. As for as contention of R2 is concerned, whether the applicant is the legal heir of the deceased petitioner or not, whether the petitioner died due to the accidental injuries sustained by

him or not is a matter of trial. Further is there any nexus between the death and the injury of the deceased petitioner can only be decided after full fledged trial of the parties.

10. Thus the reasons for delay is sufficient and acceptable. As such no prejudice will cause to the respondent No.2 if the application is allowed. Thus for all these reasons, I proceed to pass following:

ORDER

Applications filed U/Order XXII Rule 3 and 4 of CPC is hereby allowed.

The applicant is permitted to come on record as petitioner No.1(a) as prayed for.

Petitioner to carried out the amendment of petition and file the amended petition by 04.06.2026

-Sd/-

Judge,

Court of Addl. S.C., & MACT

Mysuru