

Order on I. A .No. XVII to IX

The application I.A.No.XVII is filed by the DHR U/O 22 rule 4 of CPC to implead the legal heirs of deceased JDR No.1, I.A.No.XVIII is filed U/O 22 rule 9 of CPC to set aside the abatement order passed against the deceased JDR No.1 and I.A.No.IX is filed by the DHR U/sec 5 of the Limitation Act to condone the delay in bringing the legal heirs of deceased JDR No.1.

2.All the applications are supported by the affidavit of DHR and it is sworn that the JDR.No.1 was deceased on 10.03.2020 but due to the Covid-19 pandemic, the counsel for JDR has reported the death of JDR.No.1 on last date of hearing. Hence prayed to implead the legal heirs of deceased JDR to the present petition. After filing of the present applications the notices were issued to the legal heirs of JDR.No.1 and inspite of their appearance before the court, they have not filed any objections to the applications.

3. Heard the arguments of counsel for both parties.

4. The present applications have been filed by the DHR to implead the legal heirs of deceased JDR.No.1. It is stated in the affidavit accompanying to the application that the JDR counsel has reported the death of JDR.No.1 when the Covid-19 pandemic was existing. Therefore there is delay in filing the present application. The present execution petition is filed on the basis of judgment and decreed passed in O.S.No.209/2007. Since the cause of action survive against the legal heirs of JDR

No.1, they should be impleaded in the present petition. They are the necessary parties to the petition. Hence by considering the reasons for delay in impleading the legal heirs, the applications deserves to be allowed. Hence I.A.No.VII to IX filed by the DHR U/O 22 rule 4 of CPC, U/O 22 rule 9 of CPC and U/sec 5 of the Limitation Act are hereby allowed. The DHR is hereby permitted to implead the legal heirs of JDR No.1 as JDR No.1(a) and carry out the amendment.

For amendment and amended petition.

Call on: 10.11.2023

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 25th day of October, 2023)

Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote