

ORDERS ON IA No.I to III

The GPA holder of petitioner has filed I.A.No.I Under Order 22 Rule 2 and 4 R/w Section 151 of CPC seeking to bring the L.Rs of the respondent No.1 on record.

2. The GPA holder of petitioner has also filed I.A.No.II Under Order 22 Rule 9 of CPC and prays for set aside the statutory abatement against the respondent No.1.

3. The I.A.No.III is also filed by the GPA holder of petitioner Under Section 5 of Limitation to condone the delay to filing the application.

4. These applications are filed by the counsel for the GPA holder of petitioner stating that, the respondent No.1 who died on 21.08.2019 leaving behind his legal heirs.

5. In the accompanying affidavit it is stated that, the respondent No.1 was died on 21.08.2019 leaving behind his legal heirs. The petition is survive against the LRs of the respondent No.1. Hence, the GPA holder of petitioner has filed applications for bring the LRs of deceased respondent No.1 who are the opponents herein. Hence, prays for allow the applications.

6. After receipt of the applications, the court issued notice to legal heirs of the respondent No.1. In spite of it, the legal heirs of the respondent No.1 have not appeared before this court.

7. Perused materials available on record. It is noticed that, the GPA holder of petitioner has filed petition to set aside the order passed in RA No.15/2018 on 23.10.2019 and restore the appeal by allowing this petition. During pendency of the petition, the respondent No.1 was died leaving behind his LRs. Therefore, the sue of right is occurred against the LRs of the respondent No.1 and the present applications are filed within time. Hence, the LRs of respondent No.1 are also necessary parties to the case. In the absence of his LRs, the matter could not be adjudicated effectively. Hence, the applications filed by the GPA holder of petitioner are deserves to be allowed. Hence, this court proceed to pass the following;

:ORDER:

The I.A.No.I to III filed by the GPA Holder of petitioner Under Order 22 Rule 2 and 4 R/w Section 151 of CPC, Under Order 22 Rule 9 of CPC and under Section 5 of Limitation Act are respectively allowed.

For carrying out amendment and
to file the amended petition by:
29.04.2025.

**Sr. Civil Judge & JMFC,
K.R.Nagar.**