

ORDERS ON I.A.NO.II.

This I.A.No.II filed by the applicant under Order XXII, Rule 3 R/w Section 151 of C.P.C., seeking to bring the legal representative of deceased DHr on record.

2. In these I.A.No.II, it is stated that, the Dhr has filed a petition to execute the orders passed by the Hon'ble Senior Civil Judge, T.Narasipura in R.A No.19/2016, dated:05.02.2018. During the pendency of the petition the DHr died on 06.10.2024 leaving behind the legal representatives as stated in the I.A.No.II. The Lrs mentioned in the application are the wife and children of the deceased DHr. Hence, bringing of them to the petition is necessary for proper adjudication of the case and otherwise the great hardship will be caused to them. Accordingly, the applicant has prayed to allow the I.A.No.II.

3. On the other hand, the Jdr has not appeared before the court to contest the application.

4. Heard and perused the materials available on record.

5. Now the only point that will arise for my consideration are:-

1. Whether the applicant has made out sufficient grounds to allow I.A.No.II?

2. What Order?

6. My answers to the above points are:-

Point No.1 : In the **Affirmative**.

Point No.2 : As per order
for the following,

:: REASONS ::

7. **Point No.1:-** The instant petition is filed for execution of decree passed in R.A.No.19/2016 and get execution of sale deed. As found from above application the DHr died during the pendency of the petition.

8. As per Article 120 of the Limitation Act 1963, the legal representatives of the deceased DHr should be brought on record within a period of 90 days from the date of death of the DHr. After expiry of that period, the petition shall abate so far as the deceased DHr is concerned if no application is made under Rule 3 of Order 22 within that period of 90 days.

9. In this case, the instant application is filed within the stipulated period. Since the petition is for execution of decree passed in R.A.No.19/2016 and get execution of

sale deed, it is necessary to adjudicate the rights of each and every party who has interest over the suit property.

10. The list of the legal representatives of the deceased DHr shown in the above application is not disputed at this stage by other side. More so, there is no delay in filing the above application and no hardship will be caused to other parties. Hence, the Court is of opinion that, the applicant has clearly made out sufficient grounds to allow above I.A. Accordingly, Point No.1 is answered in the '**Affirmative**'.

11. **Point No.2:-** In the light of the above discussion, I proceed to pass the following:-

:: O R D E R ::

I.A.No.II filed under Order XXII, Rule 3 R/w Section 151 of C.P.C., by the applicant is hereby **allowed**.

The Lrs., of deceased DHr are hereby brought on record as DHr No.1(a) to 1(c) as mentioned in I.A.No.II.

The Lrs of DHr is hereby directed to carry out the amendment in the petition and also directed to file the amended petition.

For amendment and to file amended petition.

Call on: 29.01.2025.

**Addl. Civil Judge & J.M.F.C.,
T.Narasipura. ****