

COMMON ORDERS ON I.A. NOS.3, 7 and 8

The learned counsel for petitioner has filed I.A.No.3 U/o 22 Rule 3 R/w section 151 of CPC, I.A.No.7 Under section 5 of Limitation Act R/w 151 of CPC and I.A No.8 under Order 22 Rule 9 R/w Sec.151 of CPC with a prayer to bring the L.Rs of the deceased petitioner No.1 on record by condoning the delay.

2. Respondents have not filed objections to I.A.No.3, 7 and 8.

3. The present applications are supported with the affidavits of LR of the petitioner No.1, wherein he deposed that, petitioner No.1 was died on 18-09-2017 during the pendency of this petition, hence it is just and necessary to bring the LRs of deceased petitioner No.1 on record.

4. I have gone through the pleadings and the prayer sought under this petition by the petitioners. Since the petitioners have filed this petition on the basis of preliminary decreed passed in O.S.No.442/1989 as such an opportunity should be given to the petitioners to bring the LR's of deceased petitioner No.1 on record for better adjudication of the subject matter and in order to avoid

multiplicity proceedings. Though there is delay of 6 years in reporting the death of the petitioner No.1 but the same can be condoned by imposing some cost. By considering the nature of the petition, facts and circumstances of the case, it is not proper to deny the justice to the parties to the petition. Hence, this court has not found any reasons to reject these applications. Hence I proceed to pass the following;

ORDER

I.A. Nos.3, 7 and 8 filed by the LR's of petitioner No.1 are hereby allowed on cost of Rs.100/- each payable to the Advocates Bar Association, Kanakapura.

The delay in filing the I.A No.3 and 8 is condoned and abatement of petition against petitioner No.1 is set aside and L.Rs of deceased petitioner No.1 are brought on record as prayed for.

Petitioners are hereby directed to carry out amendment and shall furnish the amended petition.

Call on 17.09.2024.

Sd/-
ACJ and JMFC,
Kanakapura.