

KAUK030000832019



**Common Orders on I.A. U/O.22 Rule 3 of
CPC, I.A. U/O.22 Rule 9 of CPC and IA
U/sec.5 of Limitation Act**

The legal heirs of deceased petitioner has filed these applications U/O.22 R.3 of CPC, U/O.22 R.9 of CPC and IA U/sec.5 of Limitation Act seeking permission to come on record as the L.R.s of petitioner and to set aside the abatement order if any passed in the above case against the petitioner and to condone the delay in filing the L.R. application.

In the accompanying affidavits annexed to the applications, it is stated that the petitioner Sri. Dattatray Ganapati Revankar is expired on 27.10.2023 leaving behind the their L.R.s who are shown in the said application at Sl. No.(1) to (6). It is stated that Sri. Dattatray Ganapati Revankar had filed this petition seeking for enforcement of decree passed in their favour in the original suit. Thus the following legal heirs of the petitioner intends to come on record as petitioner No.1(a) to (f).

1. Smt. Satyabhama W/o. Dattatray Revankar
Age: 79 years, Occ: Housewife,
2. Smt. Vijaya D/o. Dattatray Revankar
Age: 58 years, Occ: Housewife,
3. Smt. Bharati D/o. Dattatray Revankar
Age: 56 years, Occ: Housewife,
4. Sri. Kiran S/o. Dattatray Revankar
Age: 54 years, Occ: Doctor,
5. Smt. Vandana D/o. Dattatray Revankar
Age: 52 years, Occ: Housewife,
6. Smt. Vanita D/o. Dattatray Revankar
Age: 50 years, Occ: Housewife,
All R/o. Halaga, Karwar.
(L.R.s of deceased petitioner)

Sri. SRB Advocate filed power for petitioner No.1(a) to (f). Sri. SRB, advocate submits that Smt. Satyabhama W/o. Dattatray Revankar subscribed her signature to the Vakalat as U.F.M.

During pendency of the execution proceedings the petitioner died on 27.10.2023 leaving behind the proposed petitioners No.(1) to (6) as his Class-I legal heirs.

It is to be noted here that Rule 3, 4 and 8 Order XXII of C.P.C. are not applicable to the execution proceedings. Meaning proceedings will not abate if the legal representatives of the deceased have not been brought on record within the period of limitation.

This execution petition is filed by the petitioner seeking for recovery of possession of the suit house bearing Panchayat H.No.255 situated at Ghadsai Village, Karwar from the JDRs in his favour. Therefore, in the interest of justice the applications deserve to be allowed. Hence, I proceed to pass the following:

ORDER

The I.A.s filed by the Dhr counsel of petitioner under U/O.22 R.3 of CPC, U/O.22 R.9 of CPC and IA U/sec.5 of Limitation Act are hereby allowed.

The legal heirs of deceased petitioner are impleaded to this suit as petitioner No. 1(a) to (f).

For amendment and to furnish amended plaint. Call on 07.03.2024.

Addl. JMFC, Karwar.