

ORDER ON IA No.II

The applicants have filed IA No.II U/O 22 Rule 1 and 2 of CPC r/w Sec.5 of Limitation Act seeking permission to implead them as appellants in view of death of original appellant.

In the affidavit, it is stated that, the appellant of this appeal who is the father of the applicants was died on 12-08-2023 and the present applicants are legal representatives of the deceased applicant. Hence, they intend to proceed with the appeal. Further, it is stated that there is the delay of four months to file this application to implead them as appellants due to the non availability of certain documents. Hence, prays to allow IA No.II.

On the other hand the Ld. Counsel for respondents Sri J.D.B and Sri V.F.G submitted no objections to allow IA No.II.

Heard both side.

As reasons stated in the affidavit, and considering the submission of Ld. Counsel of the respondents and to prevent the multiplicity of proceedings, I am of considered view of IA No.II is to be allowed for the interest of equity and justice. Hence, I proceed to pass the following;

ORDER

The IA No.II filed U/O XXII Rule 1 and 2 of CPC r/w Sec. 5 of Limitation Act. Is hereby allowed.

The delay is hereby condoned and order of abatement is set aside.

Applicants are permitted to come on record as appellants as Lrs. of original appellant.

The appellants are directed to carryout the amendment and furnish the amended appeal memo.

For amendment of appeal.

Call On: 14-06-2024.

Sd/-

Senior Civil Judge, Bhatkal.