

**ORDER ON I.A.NO. I TO III**

The applicants have filed I.A.No.I to III Under Order XXII Rule 10, Under Order XXII Rule 9 of CPC and Section 5 of Limitation Act, seeking relief to implead them as petitioners.

In the affidavit, it is stated that the original petitioner was sustained grievous injury in the road accident and while the petitioner is under rest at home he died on 8.5.2023. The petitioners are legal heirs of the deceased petitioner. Hence, impleading them to the proceed the petition is very much necessary. Further, it is stated that there is some delay to file the application but, the said delay was not intentional one and the delay was occurred as the petitioners are under the sad demise of the deceased petitioner.

On the other hand, the respondent No.2 has filed objections and denied all the contents of the affidavit of the interim application and contended that the said applications are not maintainable and contended that after the death of the petitioner, the petition itself automatically abated. Hence, the applications are liable to be rejected. Further, it is stated that the applications are not filed within the limitation and contended that the deceased petitioner was not died due to the injury sustained in the alleged accident. Hence, prays to reject the application.

Heard arguments both sides and perused material records.

Admittedly, the present petition U/sec. 166 of IMV Act, filed by the deceased petitioner seeking compensation against the respondents. A perusal of the death certificate, it is noticed that the original petitioner was died on 8.5.2023 and on perusal of Adhar card and Ration card, it is noticed that the present applicants are the legal heirs of deceased petitioner. The main objections of the respondent No.2 is that the deceased petitioner was not died due to the injury sustained in the road accident. So, the contention taken by the respondent No.2 is subject matter of full fledged trial. There is delay to file the application. So, for the interest of equity and justice and to avoid multiplicity of proceeding, I am of the opinion that the applications are to be allowed. Hence, as reasons stated above, I proceed to pass the following:

**ORDER**

The I.A.No.I to III Under Order XXII Rule 10, Under Order XXII Rule 9 of CPC and Section 5 of Limitation Act, is hereby allowed.

The proposed petitioners are impleaded as petitioner No.1(a) and 1(b).

The delay of 193 days is hereby condoned.

For amendment of petition.

Call on: 14-06-2024.

**MEMBER ADDL. M.A.C.T & SENIOR CIVIL JUDGE,  
BHATKAL.**