

The petitioner filed I A No I to III seeking to bring legal representatives of deceased respondent no 16 on record.

Notice is served on LRs of respondent no 16 and in spite of service of notice, LRs of respondent no 16 remained absent and as such, their objection to I A No I to III is taken nil.

Heard the counsel for the petitioners. Perused the materials on record.

The petitioner filed the present petition seeking for demarcation of his share in the suit property by appointment of court commissioner. The respondent no 16 is declared to have right of share over the petition schedule property and the opponents, being the legal representatives, are entitled to the estate of deceased respondent no 16. The opponents are stated to be the legal representatives of deceased respondent no 16. The opponents, being the legal representatives of deceased respondent no 16, are entitled to succeed to the estate of deceased respondent no 16. The petition involves demarcation and allotment of share in accordance with the terms of the preliminary decree and as such, there exists right to sue against LRs of respondent no 16. In order to adjudicate and demarcate the share in the schedule property, the opponents need to be brought on record. The delay caused in filing the application has been

satisfactorily explained by the petitioner. The petitioner made out valid and sufficient grounds for condoning the delay in filing the application. The delay has been satisfactorily explained and the petitioner made out grounds for bringing opponents on record. It may not be possible to adjudicate and determine the shares without bringing the opponents on record. The right and interest of the opponents might be involved in the petition with respect to the property allotted to the share of respondent no 16. Thus, the petitioner made out grounds for allowing the application. Hence, this court deems it appropriate to pass the following

ORDER

I A No I to III filed by the petitioner under Order XXII rule 9, Order XXII rule 3 of CPC and S. 5 of Limitation Act are hereby allowed.

The petitioner is permitted to bring opponents on record as the legal representatives of deceased respondent no 16 and permitted to carry out necessary amendment to that effect.

For amendment and amended petition

Call on 19.04.2022

sd/-

**PRL CIVIL JUDGE,
KUMTA**

