

Orders on I.A.No. II to IV

Applicants filed the I.A.No.II under Order XXII Rule 3 of C.P.C. seeking permission to come on record as LR's of petitioner. I.A.No.III is filed under Order XXII Rule 9 of C.P.C. and prayed to satisfy the order of abatement. I.A.No.IV is filed under Sec.5 of Limitation Act and prayed to condone the delay in filing the application.

Applicant No.2 by name Salahuddin filed the affidavits in support of all the applications and stated similar set of facts. He stated that his father died on 04.12.2022. He and other applicant are LR's of deceased. The counsel for opponent did not dispute the relationship. Such being the case, no ground is available to disbelieve the version of applicant No.2. Applicant No.2 further stated that he and other applicants are necessary parties to the petition. On perusal of the petition, the deceased filed the petition by claiming compensation for road accident. After death of

petitioner the right of the deceased petitioner is succeeding to his LRs. For that, they are necessary parties to the petition. The applicants did not file the application within time. Such being the case, on the ground of delay in filing application if the I.A.s are rejected, it will cause loss to the applicants. For all these reasons, in the opinion of court consideration of the applications is necessary. Hence, pass the following:

ORDER

I.A.No.II filed under Order XXII Rule 3 of C.P.C.,
I.A.No.III filed under Order XXII Rule 9 of C.P.C. and
I.A.No.IV filed under Sec.5 of Limitation Act by the
applicants are hereby allowed. Hereby condone the
delay, set aside the order of abatement and permitted
the applicants to come on record as LRs of petitioner.

Hereby directed the respected counsel for
applicants to carryout amendment and to file the
amended petition by 20.07.2023.