

KAVP410001482013



Presented on : 15-06-2013
Registered on : 15-06-2013
Decided on : --
Duration :

**IN THE COURT OF
CIVIL JUDGE AND JMFC MUDDEBIHAL AT
Muddebihal,VIJAYAPURA
Presided Over by Hon. Sri. SURESH ANNAPPA SAVADI**

O.S./179/2013

Exhibit No.:

Plaintiff:

Yallavva W/o Bhimappa Gundakarajagi Urf Chalawadi

Age: 60

Occupation :

Address: Gundakarjagi Tq Muddebihal now at Muddebihal

VERSUS

Defendent:

Davalappa S/o Mallappa Chalawadi

Age: 52

Occupation :

Address: Muddebihal

2:Nagappa S/o Mallappa Chalawadi

Age: 50

Occupation :

Muddebihal

3:Yamanavva W/o Yallappa Chalawadi

Age: 55

Occupation :

Rakkasagi

4:Yallavva W/o Rangappa Chalawadi

Age: 70

Occupation :
Muddebihal

5:Revanappa S/o Rangappa Chalawadi

Age: 54

Occupation :
Muddebihal

6:Jatteppa S/o Rangappa Chalawadi

Age: 52

Occupation :
Muddebihal

7:yamanavva W/o Gurubasappa Chalawadi

Age: 40

Occupation :
Jalawadagi

8:chandrashekar S/o Gurubasappa Chalawadi

Age: 20

Occupation :
Jalawadagi

9:Shankarlinga S/o Gurubasappa Chalawadi

Age: 18

Occupation :
Jalawadagi

10:Pavadeppa S/o Rangappa Chalawadi

Age: 40

Occupation :
Muddebihal

11:Babusab S/o Dastagirsab Janvekar

Age: 55

Occupation :
Muddebiha

Advocate for Plaintiff: Hagatagi I.S.

Advocate for Defendent: Aski C.M. appearing for Davalappa S/o Mallappa
Chalawadi: Advocate **Uran V.C.,Exparte Mokashi N.R.,Exparre,**

Uran V.C. appearing for 2,3,4,5,6,7,8,9,10, 11 respectively.

ORDERS ON I.A.No.V To VII

The advocate for plaintiff filed I.A.No.5 U/o.22 Rule 4 of CPC, I.A.No.6 is U/o.22 Rule 9 of CPC and I.A.No.7 is U/s.5 of Limitation Act to bring the legal heirs of defendant No.1 by setting aside abatement by condoning the delay.

2. The plaintiff in the accompanying affidavits contended that, the plaintiff filed this suit for partition and separate possession against the defendants and further contended that, the defendant No.1 was died on 19.12.2016 leaving behind the legal heirs. The legal heirs of the deceased defendant no.1 are the necessary parties to the suit and it is necessary to bring them as legal heirs of deceased defendant No.1 by setting aside the abatement by condoning the delay.

3. On the other hand the I.As notice were issued to the Lrs of deceased defendant No.1 and after service of notice nobody appeared.

4. Heard the advocate for plaintiff.

5. After going through the materials available on record, the plaintiff filed this suit for partition and separate possession against the defendants. During the pendency of the suit the defendant no.1 died and as per the death certificate of defendant No.1 he died on 19.12.2016. In the accompanying affidavit contended that the plaintiff

being the age old lady and suffering from age old deceases and also contended that she is paralyzed about two years back. Hence delay caused in filling these applications. Perused the records as per the cause title the plaintiff is the senior citizen. And after considering contents of the affidavit it is necessary to allow the application in the interest of justice. And also this suit is for partition and the present legal heirs of the defendant no.1 are the necessary parties to the suit. Hence, this Court comes to the conclusion that, it is necessary to bring the legal heirs of deceased defendant No.1 allowing the applications. Hence, this Court proceed to pass the following;

ORDER

The I.A.No.5 to 7 filed by the plaintiff is here by allowed.

The plaintiff is directed to amend the cause title and furnish the amended plaint copy.

No order as to costs.

Date :22.10.2020

(Hon. Sri. SURESH ANNAPPA SAVADI)
CIVIL JUDGE AND JMFC MUDDEBIHAL