

**Order on I.A No.3/2025 & IA.No.4/2025 filed U/
Or.XXII Rule 3 R/w Sec.151 of CPC &
U/Or.XXXII Rule 4 R/w Sec.151 of CPC**

The Counsel for the Petitioners filed these application under Order XXII Rule 3 R/w Section 151 of CPC and Order XXXII Rule 4 R/w Section 151 of CPC and prayed this Court to permit the proposed LRs of Petitioner No.2 on come on record and also the proposed Petitioner No.2(a) may be appointed as natural guardian of the proposed Petitioner No.2(b) & (c).

2. In support of these applications the proposed legal heir of Petitioner No.2 i.e., Petitioner No.2(a) sworn to affidavits wherein she contended that her husband Petitioner No.2 died on 27.9.2025 leaving behind his legal heirs i.e., Petitioner No.2(a) to (c). The proposed Petitioner No.2(b) & (c) are minors and they are unable to protect their interest independently and hence she may be appointed as guardian to them. Accordingly, prayed to allow these applications.

3. The Learned Counsel for the Respondent No.1 to 3 & 6 has filed separate objections to these

applications and denied the contents of applications and affidavits. Further contended that the applicants claiming as proposed legal representatives of Petitioner No.2 Nallappa K., as stated in the application have not produced any supporting material documents issued by the competent authority to evidence that they are the wife and children of deceased Petitioner No.2. Therefore, the applications are devoid of merits and liable to be rejected.

4. Heard both sides.

5. Now the points that would emerge for the consideration of this Court are as follows:

1) Whether the I.A No.3/2025 & IA.No.4/2025 filed U/Or.XXII Rule 3 R/w Sec.151 of CPC & U/Or.XXXII Rule 4 R/w Sec.151 of CPC by the Petitioners deserves to be allowed?

2) What order?

6. My findings on the above points are as under:

Point No.1 : In the Affirmative.

Point No.2 : As per final order for the following :

REASONS

7. Point No.1:-

The present petition has been registered by this Court in view of the Petitioner No.2 filed IA.No.4/2022 in O.S.No.25488/2015 and prayed this Court to take suitable action against the Defendants for violation of order passed by this Court on 29.8.2018 in O.S.No.25488/2015 etc.

8. Admittedly, the present applications have been filed by the Petitioners to bring the legal heirs of the deceased Petitioner No.2 by name Nallappa.K., on record. It is the contention of the Learned Counsel for the Petitioners that the Petitioner No.2 died on 27.9.2025 leaving behind his legal heirs i.e., the proposed Petitioner No.2(a) to (c) and they are necessary and proper parties to adjudicate this petition. Further contended that since the proposed Petitioner No.2(b) & (c) are minors and as such the proposed Petitioner No.2(a) may be appointed as guardian of proposed Petitioner No.2(b) & (c).

9. It is the contention of the Respondents that no materials placed by the Petitioners to show that

the proposed legal heirs of the deceased Petitioner No.2. Therefore, the present applications are liable to be rejected.

10. Admittedly, the Petitioners have not produced any materials to show that they are the legal heirs of deceased Petitioner No.2, but on this ground alone at this stage the present applications should not be rejected. It is open for the proposed Petitioner No.2(a) to (c) to produce sufficient documents during the course of trial to show that they are the legal heirs of deceased Petitioner No.2.

11. It is not the case of the Respondents that the Petitioner No.2 has other legal heirs to represent this petition. On the other hand, the proposed Petitioner No.2(a) has specifically stated in the affidavit that she is the wife and the proposed Petitioner No.2(b) & (c) are the children of deceased Petitioner No.2. Further other Petitioners have not at all objected that these proposed Petitioner No.2(a) to (c) are not the legal heirs of deceased Petitioner No.2. Hence, this Court opines that at this stage of the proceedings the proposed Petitioner No.2(a) to (c) are made out grounds to come on record as LRs of

deceased Petitioner No.2. Further the Petitioner No.2(a) has made out grounds that she has to be appointed as guardian of minor proposed Petitioner No.2(b) & (c). **Accordingly, I answer Point No.1 in the Affirmative.**

12. Point No.2:

In view of the findings on the above point, the applications filed by the Petitioners deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

I.A No.3/2025 & IA.No.4/2025 filed U/Or.XXII Rule 3 R/w Sec.151 of CPC & U/Or.XXXII Rule 4 R/w Sec.151 of CPC by the Petitioners are hereby allowed.

The proposed Petitioner No.2(a) to (c) are permitted to come on record as legal heirs of deceased Petitioner No.2.

The proposed Petitioner No.2(a) is appointed as natural guardian of proposed Petitioner No.2(b) & (c) as prayed for.

[Sri. Sreepada N]
LXXII Addl. City Civil & Sessions
Judge, Bengaluru. (CCH-73).