

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[SMT INDIRA VS. SRI SARAVANAN G V AND ANOTHER]

23.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MR. JUSTICE RAJESH RAI K

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

ORDERS ON I.A.Nos.1 & 2 OF 2022 & I.A.No.1/2023

The aforesaid applications have been filed seeking condonation of delay of 182 days in filing the application for bringing the legal representative of the deceased husband/respondent on record and for setting aside the abatement.

Learned Counsel for the respondent has vehemently opposed the aforesaid applications on the ground that the appellant had full knowledge of the death of the husband long back but deliberately after delay of 182 days, the application for substituting the legal representative have been filed. It is further stated that the mother-in-law would have no right of legal representation of the deceased husband.

In our considered opinion, in view of the judgment of the Supreme Court in case of ***Yallawwa v. Shantavva***¹, the applications have to be allowed. Under the circumstances, all three applications are allowed. Delay is condoned, abatement is set aside and the legal representative is permitted to be brought on record.

Let necessary substitution be carried out by the learned Counsel for the appellant within one week and the amended memo of appeal shall also be filed within the same period.

(JAYANT BANERJI)
JUDGE

(RAJESH RAI K)
JUDGE

KSR
List No.: 1 Sl No.: 21

¹ (1997) 11 SCC 159