

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15<sup>TH</sup> DAY OF MARCH, 2011

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

MISC.W.Nos.9705 to 9707/2010

IN

WRIT PETITION NO.8617 OF 2010 (GM-CPC)

BETWEEN:

SMT.N.LAXMIDEVAMMA  
D/O LATE NARAYANAPPA  
W/O DAYANANDA  
AGED ABOUT 43 YEARS  
RESIDING AT ASWINI LAYOUT  
BEHIND DECCAN HOSPITAL  
CHINTAMANI TOWN  
KOLAR DISTRICT.

.. PETITIONER

(BY SRI G.BALAKRISHNA SHASTRY, ADV.)

AND:

1. SRI M.V.KRISHNAPPA,  
S/O VENKATAPPA  
AGED ABOUT 75 YEARS  
RESIDING AT ASWINI LAYOUT  
BEHIND NARASIMHAREDDY HOUSE  
CHINTAMANI,  
KOLAR DISTRICT AND OTHERS

... RESPONDENTS

(BY SMT. S.SUSHEELA, ADV FOR R1)  
R2 SERVED)

PROPOSED LR's OF DECEASE R3

3(a) SMT. BHAGYAMMA,  
W/O LATE RAMAKRISHNAPPA  
AGED ABOUT 47 YEARS

3(b) SRI ANIL  
S/O LATE RAMAKRISHNAPPA  
AGED ABOUT 25 YEARS

3(c) NARAHARI  
S/O LATE RAMAKRISHNAPPA  
AGED ABOUT 23 YEARS

3(d) SHYMALA  
D/O LAE RAMAKRISHNAPPA,  
MAJOR,

3(e) LALITHA  
D/O LATE RAMAKRISHNAPPA  
MAJOR.

ALL ARE RESIDING AT  
TANK BUND ROAD, CHINTAMANI TOWN,  
DISTRICT CHICKBALLAPUR.

(BY SMT. S.SUSHEELA, ADV. FOR R3(a)(b)(d)  
R3 (c) & (e) SERVED)

MISC.W.NO.9705/10 IS FILED UNDER SECTION 5 OF THE  
LIMITATION ACT FOR CONDONATION OF DELAY.

MISC.W.No.9706/10 IS FILED UNDER ORDER 22 RULE 9  
R/W SECTION 151 OF CPC FOR SETTING ASIDE ABATEMENT.

MISC.W.No.9707/10 IS FILED UNDER ORDER 22 RULE 4  
R/W SECTION 151 OF CPC FOR BRINGING THE LR's.

THESE MISC.W's COMING ON FOR ORDERS THIS DAY,  
THE COURT PASSED THE FOLLOWING:

### ORDER

Heard the learned counsel for the parties.

2. For the reasons set out in the affidavits filed in  
support of the applications, the delay in filing the



application seeking condonation of delay in bringing the LR's of the deceased R3 is allowed and delay is condoned. The abatement is set-aside and petitioner is permitted to bring the LR's of R3 as additional respondents No.3(a) to 3(e).

Misc.W.Nos.9705/10 to 9707/10 are accordingly allowed.

Petitioner to amend the cause title accordingly.

Sd/-  
JUDGE

KLY/