

This I.A. U/O. 22 Rule 4 of CPC is filed by applicants/ plaintiffs to bring Lrs of defendant No.1 on record.

This I.A. U/O. 22 Rule 9 r.w.s.151 of CPC is filed by applicants/ plaintiffs to set aside the abatement of the suit against defendant No.1.

This I.A. U/Sec. 5 of the Limitation Act is filed by applicants/ plaintiffs to condone the delay.

Opponents/ defendants have not filed their objections to these I.A's.

Perused the reasons stated in affidavits accompanied these I.A's and the order sheet.

This suit is filed by the plaintiffs against the defendants for the relief of partition and separate possession of the suit schedule properties.

Defendant No.1 was died on 27.12.2007 and these I.A.'s were filed on 7.8.2019, which is after lapse of about more than 11 years.

In the affidavits, 5<sup>th</sup> plaintiff has stated that, they came to know about the death of defendant No.1, who died on 27.12.2007 and thereafter immediately informed their counsel to file this application.

No parties of this suit have opposed these I.A's.

The suit is for partition and separate possession in suit schedule properties. The Lrs of defendant No.1 are her son. The right to sue survives against Lrs of deceased defendant No.1. Hence, the following:

**ORDER**

I.A. U/O. 22 Rule 4 of CPC filed by applicants/ plaintiffs is allowed.

Plaintiffs are permitted to bring Lrs of defendant No.1 on record.

I.A. U/O. 22 Rule 9 r.w.s.151 of CPC filed by applicants/ plaintiffs is allowed.

It is ordered to set aside the abatement of the suit against defendant No.1.

I.A. U/Sec. 5 of the Limitation Act filed by applicants/ plaintiffs is allowed.

It is ordered to condone the delay in filing Lrs application.