

This I.A. U/O. 22 Rule 4 of CPC is filed by applicants/ plaintiffs to bring Lrs of defendant No.3 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.3.

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.3 was died on 21.4.2018 and these I.A.'s were filed on 7.8.2019, which is after lapse of about more than 1 years and 3 months.

In the affidavits, 5th plaintiff has stated that, they came to know about the death of defendant No.3 on 21.4.2018 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.3 are her children. The right to sue survives against Lrs of deceased defendant No.3. 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.3 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.3.

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.