

Both counsel present. I.A. No.15 is filed by the plaintiff U/o. 22 R. 4 R/w. Sec. 151 of CPC praying to permit the plaintiff to bring L.Rs. of deceased defendant No.4 on record as defendant No. 4(a) to 4(e). In the affidavit annexed to I.A. No. 15, it is stated that defendant No.4 has died on 10-12-2019 at Jaffarwadi, Kadoli, Belagavi.

Thereafter I.A. No. 15 came to be filed on 6-1-2020. There is no delay in filing the application in bringing L.Rs., of deceased defendant No.4 on record.

Learned counsel for defendant No.4(a) to 4(e) submits that he has no objections to allow I.A. No. 15.

Heard learned counsel for the respective parties, perused the materials available on record including affidavit annexed to I.A. No. 15. As defendant No.4 has died on 10-12-2019 and I.A. No. 15 having been filed on 6-1-2020, it is well within the period of limitation and as there is no delay and it is also necessary to notice that L.Rs., of deceased defendant No.4 are to be brought on record in order to adjudicate the dispute between the parties conclusively. As the suit is for the relief of declaration, in my considered view the L.Rs., of deceased defendant No.4 are to be brought on record. In that regard, I.A. No.15 is deserves to be allowed. Hence, following order is passed;

: ORDER :

I.A. No. 15 filed by the plaintiff U/o.22 R. 4 R/w. Sec. 151 of CPC is hereby allowed.

The plaintiff is permitted to bring L.Rs., of deceased defendant No.4 i.e., defendant No.4(a) to 4(e) on record.

The plaintiff shall amend the cause title of the plaint and carry out amendment and furnish amended plaint on next date of hearing without fail.

For furnishing amended plaint call on 08-12-2020.

sd/-
I Addl. Civil Judge & JMFC,
Belagavi.