

KABG040022762018



10.07.2026

O.S.No.1056/2018

ORDER ON I.A.NO.V

This application is filed U/O.XXII Rule 3 of C.P.C., by counsel for proposed plaintiffs No.1(a) to 1(c) to bring the LRs of deceased plaintiff on record.

2. In the affidavit in support of the application, the plaintiff No.1(c) has stated that his father had filed this suit seeking the relief of declaration and mandatory injunction against the defendant. That during the pendency of suit, his father i.e., plaintiff died on 12.06.2026 leaving behind the proposed plaintiffs No.1(a) to 1(c) as his legal representatives. Since it is necessary to bring the LRs of plaintiff on

record for proper adjudication of the matter, the present application has been filed and prayed to allow the application.

3. The counsel for defendants submits no objection to allow the present application.

4. The following points would arise for my consideration :

- i) Whether the right to sue survives in favour of LRs of deceased plaintiff ?*
- ii) What order ?*

5. My answer to above points are as under :

Point No.1 : In the Affirmative.

**Point No.2 : As per final order
for the following :**

REASONS

6. Point No.1 : The plaintiff has filed this suit for the relief of declaration and mandatory injunction. The plaintiff died on 12.06.2026. Since the suit is for declaration and mandatory injunction, the right to sue survives even after death of the plaintiff, the right to sue survives even after death of the plaintiff. Where the plaintiff dies the right to sue survives and it can

be continued by the LRs of the deceased plaintiff. The proposed plaintiffs being the legal heirs of the deceased plaintiff have got right to proceed with case and it is necessary to allow them to come on record to avoid multiplicity of proceedings. Hence, this Court comes to the conclusion that the said LRs of plaintiff are to be allowed to come on record. Hence, I answer **Point No.1 in the Affirmative.**

7. Point No.2 : For the above said reasons, I proceed to pass the following :

ORDER

The application i.e., I.A.No.V filed U/O.XXII Rule 3 R/w. Sec.151 of CPC, is hereby allowed.

The LRs of plaintiff i.e., plaintiffs No.1(a) to 1(c) as per the aforesaid application, are permitted to be brought on record as plaintiffs No.1(a) to 1(c).

The counsel for plaintiffs is hereby directed to carry out amendment and to file amended plaint accordingly.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**

O.S.No.1056/2018

Call on 21.07.2026.

**Prl. Civil Judge and J.M.F.C,
Belagavi.**