

KABG040032382017



31.07.2026

O.S.No.917/2017

ORDER ON I.A.NO.VII

The counsel for plaintiff has filed application U/O.XXII Rule 4 R/w. Sec.151 of C.P.C. to bring the legal heirs of defendant on record as defendants No.1(a) to 1(e) in view of death of defendant on 14.02.2026.

2. In the affidavit filed in support of the application, the plaintiff has stated that during the pendency of this suit, the defendant has expired on 14.02.2026 and that it is necessary to bring the LRs of defendant on record for proper adjudication of the matter. On these grounds, the plaintiff has prayed to allow the application.

3. The counsel for proposed defendants No.1(a) to 1(e) has submitted no objection to allow the said applications.

4. The following points would arise for my consideration:

- i) Whether the right to sue survives against LRs of deceased defendant ?*
- 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 Specific Performance of Contract against the defendant. Since the suit is for Specific Performance of Contract, the right to sue survives even after death of the defendant. Where the defendant dies, the right to sue survives and it can be continued against the LRs of deceased defendant. The legal representatives of deceased defendant have appeared and submitted no objection to the present application. As the present suit is for Specific Performance of Contract in respect of suit schedule property, the right to sue survives against the LRs of defendant and hence this Court comes to the conclusion that the said LRs of defendant are to be

brought on record. Hence, I answer **Point No.1 in the Affirmative.**

7. Point No.2 : For the above said discussion on Point No.1, I proceed to pass the following :

ORDER

The application i.e., I.A.No.VII filed U/O.XXII Rule 4 R/w. Sec.151 of C.P.C., is hereby allowed.

The LRs of defendant as mentioned in the aforesaid application, are permitted to be brought on record as defendants No.1(a) to 1(e).

The counsel for plaintiff is hereby directed to carryout amendment and to file amended plaint accordingly.

No order as to costs.

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.

For amendment of plaint and to carryout amendment as per order on I.A.No.VII by

(Smt. Preeti L. Malavalli)
Prl. Civil Judge & JMFC, Belagavi.