

26-11-2025:

ORDER ON IA No.23

The plaintiffs have filed the present application under Order XXII Rule 2 & 3 of CPC, praying to bring on record the legal representatives of deceased defendant No.3.

In the accompanying affidavit filed in support of the application, the plaintiff No.7 has averred that defendant No.3 expired during the pendency of RFA No.100434/2022 (PAR/POS) before the Hon'ble High Court of Karnataka, Dharwad Bench. It is stated that the deceased defendant No.3 has left behind two sons and two daughters and a wife as his legal heirs. It is further stated that the defendant No.3, who was arrayed as appellant No.3 in the said Regular First Appeal, died during the pendency of the appeal and his legal representatives were brought on record in the cause title of the said appeal proceedings. The appeal came to be disposed of on 11-09-2025. It is further stated that though the wife deceased defendant No.3 has not been cited as his legal heir in the said

appeal, she was already on record in the present suit has defendant No.5. The deceased defendant No.3 is stated to have had joint right, title and interest in the suit properties to the extent of his share as per plaint pleadings, and upon his demise, his legal heirs have succeeded to his share. Therefore, in order to enable effective adjudication of the matter, it is necessary to bring legal representatives of deceased defendant No.3 on record.

The learned counsels for defendants have submitted that they have no objections for allowing the application.

Heard perused the material available on record.

The fact of the death of defendant No.3 is not disputed. His legal heirs have already been brought on record in the connected Regular First Appeal. As to rights deceased defendant No.3 in the suit properties devolve upon his legal heirs, their presence on record is necessary for complete and effective adjudication of the controversy involved in the suit. There is also no

objection from the defendants' side. Hence, IA No.23 is allowed. The legal representatives of deceased defendant No.3 as shown in the application are permitted to be brought on record.

Call on for amendment and amended plaint on 27-11-2025.

(Dictated to the stenographer, transcribed by him, revised, corrected, and signed by me, then pronounced in the open court on this day of 26th November 2025)

Senior Civil Judge, Bailhongal.