

10-06-2026:

ORDER ON I.A.No.8

The plaintiff No.4 has filed the application under Order XXII Rule 1 and 2 of C.P.C., Order 22 Rule 9 of C.P.C. and Section 5 of the Limitation Act along with death certificate of plaintiff No.1 and family survivor-ship certificate of deceased seeking to bring the legal representatives of deceased plaintiff No.1 as plaintiff Nos.1(a) and 1(b) and defendant Nos.7 and 8, setting aside the abatement order of the suit against the deceased plaintiff No.1 and to condone the delay in filing the application to bring the legal representatives of deceased plaintiff No.1 on record.

In the accompanying affidavit filed in support of the application, the plaintiff No.4 stated that in the present suit the plaintiff No.1- Smt. Malati W/o Surendra Kurakuri died on 25-01-2025 at Bailhongal, leaving behind her legal heirs plaintiff Nos.1(a) and 1(b) and defendant

No.7 and 8. Further it is stated that the defendant Nos.7 and 8 being the children of deceased plaintiff No.1 - Smt. Malati W/o Surendra Kurakuri, due to lack of compatibility their relationship with their parents are not good, as such they are to be impleaded as defendant Nos.7 and 8. Therefore, the legal heirs of proposed plaintiff Nos.1(a) and 1(b) and defendant Nos.7 and 8 are necessary to implead as plaintiff Nos.1(a) and 1(b) and defendant No.7 and 8 in the suit. If the legal heirs of deceased plaintiff No.1 brought on record, no loss or hardship will be caused to the others. On the contrary, she will be put to great loss and hardship. Hence she prayed for allowing the application.

The legal representatives of deceased plaintiff No.1 remained absent despite due service of notice. The existing defendants have also not filed any objections to the IA.

Upon considering the materials placed on record and in the interest of justice, this court is of the opinion that the sufficient cause has been shown for the delay and the abatement order

deserves to be set aside to allow the matter to be adjudicated on merits. The relationship of legal heirs of deceased plaintiff No.1 has not been opposed by other side. Hence, I proceed to pass the following;

ORDER

IA No.8 is filed under Order 22 Rule 1 and 2 of CPC, Order 22 Rule 9 of IPC and Section 5 of the Limitation Act by the applicant/petitioner No.4 is hereby allowed.

In the result, the legal representatives of the deceased plaintiff No.1 as mentioned in the application are hereby brought on record. Further the abatement order of the petition against the deceased plaintiff No.1 is hereby set aside. Further the delay in filing the application to bring the legal heirs of deceased plaintiff No.1 on record is hereby condoned.

The petitioners are permitted to amend the cause title of the petition to that effect and furnish the amended petition.

Call on for amendment and amended petition and clarification on I.A. No.9 by 25-06-2026.

Senior Civil Judge,
Bailhongal

ORDER ON I.A.No.9

The plaintiff No.4 has filed the application under Order XXII Rule 1 and 2 of C.P.C., Order 22 Rule 9 of C.P.C. and Section 5 of the Limitation Act along with death certificate of plaintiff No.2

and family survivor-ship certificate of deceased seeking to bring the legal representative of deceased plaintiff No.2 as plaintiff No.2(a), setting aside the abatement order of the suit against the deceased plaintiff No.2 and to condone the delay in filing the application to bring the legal representative of deceased plaintiff No.2 on record.

In the accompanying affidavit filed in support of the application, the plaintiff No.4 stated that she along with other plaintiffs have filed the present suit against the defendants for partition and separate possession. Further she stated that in the present suit plaintiff No.2-Smt. Sumati W/o Manikchand Kollapure died on 12-09-2022 leaving behind her legal heir son-Praveen Manikchand Kollapure. Further she stated that due lack of knowledge she has not impleaded the legal heir of deceased plaintiff No.2 and also not informed the same to her counsel. Except the son of deceased plaintiff No.2 there are no other legal heirs. Therefore, it is very necessary to implead the said legal heir of deceased plaintiff No.2 as plaintiff No.2(a) in the suit. If the legal heir of deceased plaintiff No.2 brought

on record, no loss or hardship will be caused to the others. On the contrary, she will be put to great loss and hardship. Hence she prayed for allowing the application.

On the other hand, the learned counsel for defendants has not filed any objections to the application.

Upon considering the materials placed on record and in the interest of justice, this court is of the opinion that the sufficient cause has been shown for the delay and the abatement order deserves to be set aside to allow the matter to be adjudicated on merits. The relationship of legal heir of deceased plaintiff No.2 has not been opposed by other side. Hence, I proceed to pass the following;

ORDER

IA No.9 is filed under Order 22 Rule 1 and 2 of CPC, Order 22 Rule 9 of IPC and Section 5 of the Limitation Act by the applicant/petitioner No.4 is hereby allowed.

In the result, the legal representative of the deceased plaintiff No.2 as mentioned in the application is hereby brought on record. Further the abatement order of the petition against the deceased plaintiff No.2 is hereby set aside. Further the delay in filing the application to bring the legal heir of deceased plaintiff No.2 on record is hereby condoned.

The petitioners are permitted to amend the cause title of the petition to that effect and furnish the amended petition.

Call on for amendment and amended petition by 25-06-2026.

Senior Civil Judge,
Bailhongal