

ORDER ON IA No.V to XXIII

The plaintiff has filed the IA No.XXIII U/o 22 rule 1 & 2 of CPC seeking to implead Lrs of defendant No.2.

2. The plaintiff contended that he has filed the present application seeking to implead the Lrs of defendant No.2 as defendant No.2(a). Further, contended that during the pendency of the suit, the defendant No.2 is expired. The proposed defendant

No.2(a) is the legal heir of defendant No.2. Further contended that he was not aware that the Lrs of defendant No.2 has to be impleaded and he did not give information to his advocates. After knowing about the same, he has filed the present application seeking to implead the Lrs of defendant No.2. Hence, prays to allow the application.

3. In spite of service of notice the proposed defendant no.1(a) remained absent.

4. Heard arguments.

5. Perused the records. The present suit is filed by the plaintiff seeking partition and separate possession. The present application is filed seeking to implead the Lrs of defendant No.2 as defendant 2(a). Further, contended that during the pendency of the suit, the defendant No.2 is expired. The right to sue survives in favor of proposed defendant No.2(a). Hence, I am of the opinion that the application deserves to be allowed. Hence, the following:

ORDER

The IA No.XXIII filed by the plaintiff U/o 22 rule 1 and 2 of CPC is hereby allowed.

The proposed defendant No.2(a)
is impleaded as defendant No.2(a).

To carryout amendment and to
file amended plaint by

Sd/-

**I Addl. Civil Judge and JMFC
Bailahongal.**