

01-12-2025:

ORDERS ON I.A. No.3 & 4

The plaintiffs have filed IA No.3 under Order XXII Rule 4 of CPC, seeking permission to bring the legal representatives of deceased defendant No.1 on record.

They have also filed IA No.4 under Order XXII Rule 4 of CPC, seeking permission to bring

the legal representatives of deceased defendant No.5 on record.

In the affidavit filed in support of the IA No.3, it is stated that the defendant No.1 died on 01-06-2025 at Dodwad village, leaving behind his wife and two sons as his legal heirs and successors. It is contended that unless the legal heirs of deceased defendant No.1 are brought on record, the suit cannot be adjudicated completely and effectively. Hence plaintiffs seek permission to implead the LRs of deceased defendant No.1.

In the affidavit filed in support of IA No.4, it is stated that defendant No.5 died on 22-04-2025 at Kittur, leaving behind his wife and two sons as his legal heirs and successors. It is averred that the presence of the LRs of the deceased defendant No.5 is essential for proper and complete adjudication of the matter, and therefore they be brought on record.

Notice were issued to proposed LRs of deceased defendant No.1. However, they remained absent inspite of due service. The

proposed LRs of deceased defendant No.5 appeared through their counsel and submitted that they have no objection for allowing the IA No.4.

Heard the learned counsel for plaintiffs and the counsel appearing for the proposed LRs of deceased defendant No.5. Perused the materials on record.

Both IA No.3 and 4 are filed within time and are supported by the affidavits narrating particulars of the legal heirs. There is nothing on record to dispute the factum of death of the defendant No.1 and 5 or the relationship of the proposed legal representatives. The legal representatives of a deceased defendants are necessary parties for the effective and complete adjudication of the suit. The absence of there impleading may result in abatement of the suit as against the deceased defendant No.1 and 5. Therefore, bringing the legal heirs of deceased defendant Nos. 1 and 5 on record is essential for continuation of the proceedings.

The proposed LRs of deceased defendant No.5 have raised no objection. The LRs of deceased defendant No.1, though served, have not appeared to appose the application. Hence, both applications deserves to be allowed. So, this Court deems it fit to pass the following:

ORDER

I.A.No.3 filed under Order XXII Rule 4 of CPC is hereby allowed.

The plaintiffs are permitted to bring the legal representatives of deceased defendant No.1 on record. Amend the cause title accordingly.

IA No.4 filed under Order XXII Rule 4 of CPC is hereby allowed.

The plaintiffs are permitted to bring the legal representatives of deceased defendant No.5 on record. Amend the cause title accordingly.

No order as to cost.

Call on for amendment and
amended plaint by 15-12-2025.

Senior Civil Judge,
Bailhongal