

**IN THE COURT OF CIVIL JUDGE & J.M.F.C.,
AT SANDUR.**

Present : Md. Shaiz Chouthai,

B.A.,LL.B. (Hons.), LL.M,(M.L.)

Civil Judge & JMFC, Sandur.

Dated: 12th day of November, 2025

O.S. No. 96/2019

Plaintiff/s : U. Nagaraj S/o Late K. Erappa
@ Kappagallu Erappa and Another.

(By Sri. N.A.Y., Advocate)

V/S

Defendant/s : U. Basawa @ Basappa S/o U. Mounesha
and others.

(By Sri. A.V.K. Advocate)

I.A. NO. IX TO XI

Applicant/s : U. Ramanajini since dead by his Lr's
Renukamma W/o Late U. Ramanjini
and others
(Plaintiff No.2(a) to 2(c))

V/s

Opponents : U. Basawa @ Basappa S/o U. Mounesha
and others.
(Defendants)

COMMON ORDERS ON I.A.NO.IX TO XI

1. The plaintiff No.2(a) has filed I.A.No.IX under Order XXII Rule 4 R/w Sec.151 of CPC, to bring the Lrs. of deceased plaintiff No.2 on record. I.A.No.X is filed under Order XXII Rule 9 R/w Sec. 151 of CPC, to set aside abatement order, and I.A.No.XI under Sec.5 of Limitation Act, to condone the delay in filing the applications. These applications are filed on 18.08.2025.

2. The applications are accompanied with affidavit of the applicant/plaintiff No.2(a) stating that, the plaintiffs have filed this suit for the relief of declaration, permanent and mandatory injunction and other reliefs. It is submitted that the plaintiff No.2 died on 25.10.2024 leaving behind the applicants as his legal heirs to succeed the estate. Except them there are no other legal heirs to deceased plaintiff No.2. The right to sue survives on them, and therefore it is necessary to bring them on record. If the applications are not allowed much hardship will be caused to the applicants. On the other hand, if the applications are allowed no

hardship will be cause to the other side. As such, the applicant prays to condone the delay and set-aside the abatement order and permit them to come on record. On these grounds, she prays to allow the applications.

3. The learned counsel for defendants have not filed any objections. Heard the counsel for applicant. Perused records.

4. The present suit is filed for the relief of declaration, permanent and mandatory injunction in respect of immovable property. The plaintiffs had claimed ownership over the suit property. This court has already framed issues and the trial has commenced. After the death of plaintiff No.2, the right to sue survives on his legal heirs. If the applications are not allowed, the suit itself will become redundant. Therefore, for complete adjudication of the matter and to avoid multiplicity of the proceeding the applications deserves to be allowed. As such, in the interest of justice and equity the prayer made in the applications deserves consideration. The delay caused in bringing

the legal heirs is condoned and the abatement is set-aside.

Consequently, this court proceed to pass the following :

ORDER

I.A. No.XI filed under Section 5 of Limitation Act is hereby allowed by condoning the delay.

I.A.No.X filed under Order XXII Rule 9 R/w Sec. 151 of C.P.C. is hereby allowed by setting aside the abatement.

Similarly I.A. No.IX filed under Order XXII rule 4 R/w Sec. 151 of C.P.C. is hereby allowed.

The applicants are permitted to come on record as legal heirs of deceased plaintiff No.2.

The applicants shall carry out necessary amendment and file amended plaint.

(Dictated to the stenographer, computerized by him, corrected by me and then pronounced in the open Court, on this the 12th of November 2025)

(Md. Shaiz Chouthai)
Civil Judge and J.M.F.C., Sandur.