

1. Heard the argument of learned counsel for plaintiff on I.A NO-19. The plaintiff filed I.A NO-19 U/o 22 rule 4 of CPC seeking permission to bring the L.Rs of proposed defendant NO-9 for the reasons stated in the accompanied affidavit.

2. It is contended in the accompanied affidavit that, plaintiff filed I. A No-15 seeking permission to bring proposed defendant No-9 Sushilawwa on record as defendant NO-9, but during the pendency of the suit she died and therefore the presence of L.Rs of proposed defendant NO-9 is necessary in this case.

3. This is a suit for declaration and permanent injunction in respect of suit properties bearing survey No: 9/11,9/1, 9/4 and other 10 properties. Perusal of order sheet reveals that plaintiff filed I. A NO-15 U/o 1 rule 10(2) of CPC seeking permission to bring Sushalawwa and other 4 persons on record as defendant NO-9 to 13. However proposed defendant NO-9 Sushialawwa was reported to be dead when the notice on I.A NO-14 was sent by the court, therefore the court has allowed the I.A NO-15 filed by the plaintiff in part and permitted the

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plaintiff to implead Sarawwa Singaraddi, Bourawwa Kajjidoni, Somappa Goudannavar, Ramappa Goudannavar as defendants NO-10 to 13 and it is evident from perusal of order sheet dated 03.12.2015. Later plaintiff filed I.A NO-19 U/o 22 rule 4 of CPC seeking permission to bring the L.Rs of proposed L.R of defendant NO-9 Sushilawwa. Notice is served on L.Rs of defendant NO-9, but they did not appeared before the court and not contested the I.A NO-19. Contents of accompanied affidavit reveals that, Appasi Bhimappa Mayad, Bhimappa Appasi Mayad, Tayawwa Somappa Goudannavar, Surekha W/o Hanamanth Singaraddi are the legal heirs of proposed defendant NO-9. This is a suit for declaration and permanent injunction. Therefore presence of L.Rs of proposed defendant NO-9 is necessary in the case. Hence the following;

**ORDER**

I.A NO-19 filed by the plaintiff U/o 22 rule 4 of CPC is hereby allowed and permitted him to implead Appasi Bhimappa Mayad , 3 other persons as defendant NO-9(a) to (d) in this case and permitted to carry out the amendment in the plaint. Further correct the cause title of the plaint by adding

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names of defendant NO-9(a) to (d) and Defendant  
NO: 10 to 13 and furnish amended plaint by  
01/12/2013.

(Dictated to the Steno, directly typed by him on laptop, script revised,  
corrected, signed and pronounced by me in the open court on 3<sup>rd</sup>  
day of November -2016)

Prl.JMFC Mudhol.