

OS 147/2013.

Order on I.A.No.18 to 20.

Sri.AKO advocate for defendant No.1 has filed I.A.No.18 U/s 5 of Limitation Act for condonation of delay to bring the LRS of deceased defendant No.3 on record, I.A.No.19 U/o 22 Rule 9 R/W 151 of CPC for setting aside abatement order and I.A.No.20 U/o 22 Rule 4 R/W 151 of CPC for bringing the proposed defendant No.3(a) to 3(d) on record as LRS of deceased defendant No.3.

Inspite of service of notice, proposed defendant No.3(a) to 3(d) failed to appear before the court.

Heard and perused.

The present suit is filed by plaintiffs against defendants for the relief of permanent injunction with respect to suit schedule properties and defendants have filed W/S along with counter claim for the relief of declaration and permanent injunction. Therefore right to sue survives in favour of proposed defendant No.3(a) to 3(d). Hence I.A.No.18 to 20 needs to be allowed in the interest of justice and equity. Therefore I proceed to pass the following order.

:: ORDER ::

I.A.No.18 to 20 are hereby allowed. The delay as mentioned in I.A.No.18 for bringing the LRS of deceased defendant No.3 on record is hereby condoned, abatement order is set aside and

defendant No.2 is permitted to bring proposed defendant No.3(a) to 3(d) as LRS of deceased defendant No.3 on record.

The plaintiffs shall carry out necessary amendment in the plaint.

For amendment and amended plaint.

Call on 23-10-2025.

Sd/-

PCJ & JMFC., Mudhol.