

:- ORDERS ON I.A. No.X :-

The I.A.No.X is filed by the plaintiffs under Order XXII Rule 4, Rule 9 r/w Sec.151 of CPC and Sec.5 of Limitation Act, to bring the LR's of deceased defendant No.1 on record. Notice of the above application was duly served to the legal heirs of defendant No.1. Despite due service of notice the proposed defendants No.1(a) to (k) did not appear nor filed objections to the above application.

2. Heard the arguments of learned counsel for the plaintiffs and defendants.

3. In a suit for partition, the defendant No.1 is proper and necessary party. On his death, his LR's are proper and necessary parties. The plaintiffs are entitled to prosecute the suit against the LR's of deceased defendant No.1. There is no dispute regarding relationship between the defendant No.1 and proposed LR's. The right to sue survives against the LR's of defendant No.1. Sufficient cause is shown for condonation of delay in bringing the LR's of defendant No.2 on record. Hence, in the interest of justice and equity, I proceed to pass the following :-

:- O R D E R :-

The I.A.No.X filed by the plaintiffs under Order XXII Rule-4, Rule-9 r/w Sec.151 of C.P.C. and under Sec.5 of Limitation Act, is hereby allowed.

For amendment of plaint, amended plaint and steps to D1(a) to (k) by

**II Addl. S.C.J. & J.M.F.C.,
Anekal.**

Orders on I.A.No.10
O.S.No.851/2013

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