

ORDERS ON IA NO. 15 to 17, 19 to

21

The plaintiff has filed I.A No 15 U.O 22 rule 4 of the CPC and I.A No.16 Under. O 22 rule 9 R/W section 151 of CPC and I.A No. 17 under Section 5 of limitation Act and prays to implead the legal heirs of defendant No.13 on record.

The plaintiff has filed I.A No 19 U.O 22 rule 4 of the CPC and I.A No. 20 Under. O 22 rule 9 R/W section 151 of CPC and I.A No. 21 under Section 5 of limitation Act and prays to implead the legal heir of defendant No.1 on record.

In spite of service of notice the proposed legal heirs of defendant No.1 and 13 not appear before this court and not filed objection.

Heard.

It is the contention of plaintiff that defendant No.13 died on 12.10.2023 and defendant No.1 died on 18.05.2024.

The plaintiff filed this suit against the defendant for partition and separate possession. At this stage there is no reason to disbelieve the contention of the plaintiff. Right to sue survive Accordingly. I proceed to pass the following:

ORDER

The IA.No.17 and 21 filed the plaintiff U.Sec.5 of Limitation Act is allowed. Thereby the delay in filing the legal heirs application is condoned.

The IA.No.16 and 20 filed by the plaintiff U/O.XXII R.9 of CPC is allowed and the order of abatement is set aside.

The IA.No.15 and 19 filed by the plaintiff U/O.XXII R.4 of CPC is allowed. Consequently the plaintiff is permitted to implead the legal heirs of defendant No.13 as defendant No.13(a) to 13(d) and defendant No.1 as defendant No.1(a) to 1(e).

For amendment call on
30.01.2025.

Sr. Civil Judge & JMFC.,
Hriyur