

ORDERS ON IA NO.33 and 34

The plaintiff has filed I.A No 33 U.O 22 rule 4 of the CPC and I.A No.34 U/o.22 rule 9 of CPC prays to implead the legal heirs of defendant No.11g(a) to 11(g)e on record.

2. In spite of service of the notice proposed defendant No.11g(a) to 11g(e) not appeared before the court.

3. Heard.

4. It is the contention of plaintiff that defendant No.11g died on 08.09.2025 and L/C for the plaintiff submits that the death certificate of defendant No.11g i.e. Jayanna is not available.

The plaintiff filed this suit against the defendants for declaration. There is no material on record to disbelieve the contention taken by the plaintiff.

Hence, legal heirs of defendant No.11g are become necessary parties, in their absence the court cannot proceed further in the matter. Moreover, the right to sue survive on the legal heirs of the deceased defendant No.11g. Therefore, it is just and proper to condone the delay in filing these applications and to implead the legal heirs of deceased defendant No.11g as defendant No.11g(a to e) to this suit by setting aside the abatement order. By considering the all these aspects, this court proceed to pass the following:

ORDER

The IA.No. 33 U/O.XXII R.4 of CPC and I.A No.34 U/o. 22 rule 9 of CPC filed by the plaintiff is hereby allowed.

The abatement order is hereby set aside.

The plaintiff is permitted to implead the legal heirs of Defendant No.11g as Defendant No.11g(a) to 11g (e).

For amendment. 24.06.2026.

Sr. Civil Judge & JMFC.,
Hiriyur

Memo filed interim order extended till next date of hearing. L/C for the legal heirs of defendant No.2(a) and 2(b) submits that they have no objection to allow the application. Heard. For orders on I.A No.3.

ORDERS ON IA NO.3

The plaintiff has filed I.A No 3 U.O 22 rule 4 of the CPC and prays to implead the legal heirs of defendant No.2 on record.

2. In pursuance of the notice legal heirs of defendant No.2, proposed defendant No.2(a), 2(b) appeared through their counsel. But not filed any objection. In spite of service of the notice proposed defendant No.2(c) not appeared before the court.

3. Heard.

4. It is the contention of plaintiff that defendant No.2 died on 09.11.2024. The plaintiff produced the death certificate of Thippeswamy T. As per death certificate Thippeswamy T died on 09.11.2024.

The plaintiff filed this suit against the defendants for partition and separate possession. There is no material on record to disbelieve the contention taken by the plaintiff. Hence, legal heirs of defendant No.2 become necessary parties, in their

absence the court cannot proceed further in the matter. Moreover, the right to sue survive on the legal heirs of the deceased defendant No.2. Therefore, it is just and proper to condone the delay in filing these applications and to implead the legal heirs of

deceased defendant No.2 as parties to this suit. By considering the all these aspects, this court proceed to pass the following:

ORDER

The IA.No. 3 filed by the plaintiff U/O.XXII R.4 of CPC, is hereby allowed.

The plaintiff is permitted to implead the legal heirs of Defendant No.2 as Defendant No.2(a) to (c).

For amendment. Call on 18.06.2025.

Sr. Civil Judge & JMFC.,
Hiriyur