

Orders on I.A.No.2 to 4

The legal heirs of deceased plaintiff namely Govindappa at I.A.No.4 filed U/o.22 R.3 of CPC along with I.A.No.3 U/o.22 R.9 of CPC and I.A.No.2 U/Sec.5 of Limitation Act, prayed to permit them to come on record as their father plaintiff No.1 as Govindappa the plaintiff has passed away on 24.07.2023 and he is survived by the applicants. Thereby they have prayed to condone the delay and recall the order of abatement if any by allowing I.A.No.2 to 4.

The applicants are represented by Sri.KVD advocate. The learned counsel for defendants said no objections. Hence heard and perused the records the top noted suit is filed for partition and separate possession and there is no dispute regarding death of Govindappa as well as the legal status of applicants as his LRS. The cause of action is survived

against the defendants. Hence the applications are deserved to be allowed. In the result following:

Order

The I.A.No.2 filed by the applicants U/Sec.5 of Limitation Act is allowed and delay is condoned.

The I.A.No.3 filed U/o.22 R. 9 of CPC is allowed. Thereby order of abatement is set aside.

Consequently the I.A.No.4 filed by applicants U/o. 22 R. 3 of CPC is allowed and they are permitted to come on record as legal heirs of deceased plaintiff Govindappa. The necessary amendment shall be carried out within 7 days from this order and shall furnish A/P also. For compliance by 13.02.2024.

Sr. Civil Judge & JMFC.,
Hiriyur.