

Heard.

Plaintiff filed I.A No.3 U/o. 22 rule 4 of CPC and I.A No.4 U/o.22 rule 9 of CPC prays to implead the legal heirs of defendant No.2 on record.

In pursuance of the notice Sri.SKR advocate filed vakalath for LR's of defendant No.2(2a to e) and submits that they have no objection to allow the application.

It is the contention of the plaintiff that defendant No.2 died on 17.09.2024. 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.1 become necessary parties. 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 defendant No.2 as parties 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.3 and 4 filed by the plaintiff U/O.XXII R.4 of CPC, U/O.XXII R.9 of CPC are hereby allowed.

Thereby the he dismissal order is hereby set aside.

The plaintiff is permitted to implead the legal heirs of deceased defendant No.2 as defendant No.2(a) to 2(e) to this suit by suitably amending the cause title of the plaint.

To carry out amendment and to file amended plaint.

For hearing on I.A No.2. Call on 04.08.2025.

Sr. Civil Judge & JMFC.

Hiriyur.