

IN THE COURT OF SENIOR CIVIL JUDGE, AT: HIRIYUR

Present:- Smt. SUJATHA SUVARNA B.
B.COM., LL.B.,
Senior Civil Judge & JMFC,
HIRIYUR, Chitradurga District.

Dated: this the 7th day of November - 2025

O.S.No.100/2021

Plaintiffs :- R.C.Manjunath & others
(By: Sri.B.N.T., Advocate)

V/s
Defendants:- Ningamma & others
(D1(a) to (h) Rep. by: Sri.K.S.L., Advocate)
D2 to 6 &7 Rep.by: Sri.T.M., Advocate)

i	Provision under which the application is filed	IA No.VI & VII U/O22 Rule 4 R/w Sec.151 of CPC
ii	Relief sought for	Bring the LR's
iii	The date on which the application is filed	23.09.2023 29.01.2024
iv	Number of the application	6 & 7
v	The date on which the objections are filed by different opponent	10.11.2023
vi	The date on which the orders were passed on the said application	07.11.2025

RANK OF THE PARTIES ON I.A.NO. 6 & 7

Applicants /Plaintiffs: : R.C. Manjunath &
Others
V/s
Opponents/Defendants : Ninganna & others.

ORDERS ON I.A.6 & 7

The applicant/plaintiff has filed I.A.6 under Order XXII Rule 4 of CPC R/w Sec.151 of CPC., and prays to permit the plaintiff to bring the proposed legal heirs of D1(a) to (d) mentioned in the application as legal representative of deceased defendant No.1 and filed I.A.No.7 under Order XXII rule 4 of CPC R/w sec.151 of CPC and prays to permit the plaintiff to bring the proposed legal heirs of defendants No.1(e) to (h) as legal representative of deceased defendant No.1

2. In pursuance of the notice the proposed legal heirs of defendants No.1(a) to (d) appeared before the court and filed objection. In pursuance of the notice the proposed defendants No.1(e) to (h) appeared before the court through their counsel and not filed any objection .

3. Heard on both sides .

4. The points arise for my consideration is as follows;

1. Whether the plaintiff has made out sufficient grounds that the right to sue survives against the proposed legal heirs of defendant No.1(a) to (h) as mentioned in the application?

2. What order?

5. My answer on the above points are as follows:-

Point No.1 - In the affirmative;

Point No.2 - As per final order

for the following:-

REASONS

6. **Point No.1:-** The plaintiff has filed this suit against the defendants for declaration and injunction.

It is the contention of the plaintiff that defendant No 1 died on 11-08-2023. It is not disputed fact that defendant No.1 died on 11-08-2023. After filing the I.A.No.6 this court issued notice to the legal heirs of defendant no.1.

The proposed legal heirs of defendant No.1(a) to (d) on I.A.No.6 appeared before the court through their advocate and contended that Smt.Rajeshwari, Ramanna, Lakshmana and G.L.Ravishankar are the legal heirs of Mahadevamma, the daughter of defendant No.1. Further the plaintiff filed I.A.No.7 and prays to permit him to implead the proposed defendants No.1(e) to (h) namely Smt.Rajeshwari, Ramanna, Lakshmana and G.L.Ravishankar respondent as legal heirs of defendant No.1.

As per the Order XXII Rule 4 “Where one of two or more defendants dies and the right to sue does not survive against the surviving defendant or defendants alone, or a sole defendant or sole surviving defendant dies and the right to sue survives, the court, on an application made in that behalf shall cause the legal representative of the deceased defendant to be made a party and shall proceed with the suit.”

7. Admittedly, the proposed legal heirs are the Legal representatives of deceased defendant No.1. It is the

contention of the applicants that defendant No.1 has expired. There is no reason to disbelieve the contention of the plaintiff. The plaintiff filed a suit against the defendant for declaration and permanent injunction, hence right to sue is survived, Admittedly, it is trial court, if the application is not allowed, it will cause multiplicity of the proceedings. Hence considering the facts and circumstances, this Court answered Point No.1 in the Affirmative.

8. Point No.2: In view of above findings on point No.1, this Court proceed to pass the following;

ORDER

I.A.No. 6 & 7 filed by plaintiff U/O
XXII Rule 4 R/w Sec.151 of CPC., are
hereby allowed .

The plaintiff is permitted to bring the
L R's of deceased defendant No.1 as D1(a)
to 1(d) and D1(e) to 1(h).

(Dictated to the Stenographer on computer, corrected, initialed and then pronounced by me in open Court on this the 7th day of November 2025)

Senior Civil Judge & JMFC,
Hiriyur.