

ORDER ON I.A NO-2

The plaintiff has filed I.A.II under Order 22, Rule 2 R/w. Sec.151 of CPC and prays to implead the Lrs of the plaintiff No.1(a) to (d).

2. In support of this application, plaintiff has sworn to an affidavit and stated that plaintiff has died on 05-06-2023 during the pendency of suit. Leaving behind his legal representatives i.e., plaintiff No.1(a) to 1(d) as her legal heir. They are the proper and necessary parties in the present suit. They should be impleaded as plaintiff No.1(a) to 1(d). The right to sue devolves upon them. Accordingly prays for allow the petition.

3. Per contra the counsel for defendant filed objection and had taken contention that, the 1st son of the deceased plaintiff had 2 wife and the plaintiffs have not bring the legal heirs of the first wife of the first son of plaintiff. The contents of affidavit are false and prayed to dismiss the application.

4. Heard arguments. Perused the entire records.

5. Admittedly this suit is for permanent injunction. The reason assigned by the plaintiff No.1(a) is that the plaintiff died leaving behind her legal heirs. The legal heirs mentioned in the application are the proper and necessary parties in this case. They should be impleaded as plaintiff No.1(a) to P-1 (d). The right to sue devolves upon them. Perused the contention taken by the defendant the present suit is for permanent injunction, in a suit like this on hand joining of all the legal heirs is not necessary. The present application cannot be rejected only on the ground of non joinder of other heirs. Therefore, it is just and necessary to implead the Lrs of plaintiff No.1, p-1(a) to p-1 (d). Considering all those reasons court proceed to pass the following:

ORDER

I.A No-2 filed by the plaintiff 1(a) is allowed.

O.S. No.548/2022

The Legal heirs of proposed plaintiff No.1(a) to P-1 (d) are ordered to be brought on record.

The plaintiffs are directed to carry out necessary amendment to the plaint.

Sd/-

**I Addl. Civil Judge and JMFC,
Kadur.**