

COMMON ORDERS ON IA NO.XVI AND XVIII

The present applications are filed by the plaintiff No.2 under Order 22 rule 3 R/w Section 151 and under Section 151 of CPC along with Section 5 of Limitation Act to bring them as legal representatives/ heirs of the deceased plaintiff No.1 by name Aravind J. Kotecha S/o Jeram Kotecha on record by condoning the delay and setting aside of abatement passed against the plaintiff No.1.

2. In support of the present applications, the applicant/ plaintiff No.2 has filed the affidavit wherein contended that the plaintiff No.1 has died on 02.10.2025. Further plaintiff No.2 contends that the proposed plaintiff No.1(a) to (c) are the children of plaintiff No.1 and they are the sole legal heirs of the plaintiff No.1 and prays to permit them to come on record as legal heirs of plaintiff No.1. Hence they requested to allow the application.

3. On the other hand, learned counsel for defendants submits no objection to the present applications.

4. Heard and Perused.

5. This is the suit for declaration and injunction. When the matter has been posted to hear on IA No.2, the plaintiff No.1 got reported dead on 02.10.2025. The death certificate produced in this regard to disclose the same. The present applications came to be filed on 12.02.2026 wherein it shows delay of 4 months delay in filing the same. Even though there is a delay in filing the present

application, the present suit being one with respect to immovable property on which the legal representative/heir of plaintiff No.1 claims the ownership and the right to sue survives even on the LRs of deceased plaintiff No.1. Under this circumstances, this Court is proceeds to pass the following:

O R D E R

I.A. No.XVI to XVIII filed by the plaintiff No.2 are hereby allowed.

Legal heirs of plaintiff No.1 are permitted to come on record as LRs of plaintiff No.1(a) to (c) they shall also carry out amendment of cause title to the plaint in this regard.

To carry out amendment and to file amended plaint by: 04.06.2026.

Sd/-
**I Addl. Civil Judge & JMFC,
Mudigere.**