

COMMON ORDERS ON IA NO.V AND VI

The present applications are filed by the applicant/ legal heirs of plaintiff under Order 22 rule 3 R/w Section 151 of CPC along with Order 22 Rule 9 of CPC to bring them as legal representatives/ heirs of the deceased plaintiff by name Sri.M.E.Rudresh S/o Late M.E. Eeregowda on record by setting aside the abatement in filing the same.

2. In support of the present applications, the applicant/ legal heirs of plaintiff have filed the affidavit wherein contended that the plaintiff has died on 22.08.2025. Further legal heirs of plaintiff contends that the proposed plaintiff No.1(a) and (b) are the son and wife of plaintiff and they are the sole legal heirs of the plaintiff and prays to permit them to come on record as legal heirs of plaintiff. Hence they requested to allow the application.

3. On the other hand, learned counsel for defendants No.1 to 4 filed their objection to the applications by stating that the plaintiff himself is stranger to the suit schedule property and permitting the proposed plaintiff No.1(a) and (b) to come on record will cause irreparable loss to the defendants herein and requested to reject the application.

4. Heard and Perused.

5. This is a suit for declaration with respect to the suit schedule property. When the matter has been posted to cross of PW1, the plaintiff got reported dead on

22.08.2025. The death certificate produced in this regard to disclose the same. The present applications came to be filed on 26.11.2025 wherein it contends that the plaintiff No.1(a) and (b) are the sole legal heirs of the plaintiff and requested to permit them to come on record.

6. As per Order 22 Rule 3 of Cr.P.C. if a plaintiff dies and where the right to sue survive, as per the above provision the parties will have a right to continue the suit by substituting the legal representative of the deceased. This is a suit for declaration. When the matter has been posted for cross of PW1, the plaintiff got reported dead on 22.08.2025. The death certificate produced in this regard to disclose the same. The present applications came to be filed on 26.11.2025 and there is no delay in filing the same. The present suit being one with respect to the immovable property on which the legal representatives/heirs of plaintiff No.1(a) and (b) have right and right to sue survives even on the LRs of deceased plaintiff. Under this circumstances, this Court is proceeds to pass the following:

ORDER

I.A. No. V and VI filed by the applicant/ plaintiff No.1(a) and (b), are hereby allowed .

Applicants are permitted to come on record as LRs of plaintiff. 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: 28.01.2026.**

Sd/-

**I Addl. Civil Judge & JMFC,
Mudigere.**