

This is a suit for recovery of money on 25.11.2024 the summons to the defendant No.2 returned as dead. Thereafter the plaintiff has took steps against defendant No.2 to bring the Lrs of the defendant No.2 on record. On 10.02.2024 the plaintiff has filed application under Order 22 Rule 4, under Order 22 Rule 9 and Section 5 of Limitation Act. This Court has issued notice against Lrs of defendant No.2 i.e., defendant No.2(a). On 11.08.2025 the notice duly served on defendant No.2(a), but he has not appeared before this Court. Hence placed him as absent and defendant No.1 has also not objected the applications under Order 22 Rule 4, under Order 22 Rule 9 and Section 5 of Limitation Act filed by the plaintiff. Hence this Court has permitted the Lrs of defendant No.2 to come on record. On 08.09.2025 the plaintiff has carried out the amendment by adding the defendant No.2(a) on record and also furnish the amended plaint on 08.10.2025 and this Court has issued suit summons against defendant No.2(a). The said suit summons duly served on defendant No.2(a) on 31.01.2026 and the defendant No.2(a) has not appeared before this Court. Now, instead of mentioning the defendant No.2(a) placed as exparte it is mentioned as defendant No.2(a) absent and posted the matter for orders on IA No.1 and 2.

2. Herein the present case on 11.08.2025 when the defendant No.2(a) has not appeared before this Court, this Court has impliedly allowed the applications filed by the plaintiff. On the other hand defendant No.1 has also not filed any written statement in the present suit. Since there is no written statement filed by the defendant No.1

and defendant No.2(a) has already on record now the matter needs to be post for plaintiff evidence. By oversight it has been posted for orders on IA No.1 and 2. The same is rectified and the matter has been posted for plaintiff evidence.

Call on: 09.03.2026

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