

COMMON ORDERS ON IA NO.V to VII

The present applications are filed by the applicants/proposed legal representatives/heirs of defendant No.4 under Order 22 rule 4 R/w Section 151 of CPC along with Order 22 Rule 9 of CPC and Section 5 of Limitation Act to bring the legal representatives/ heirs of the deceased defendant No.4 by name Manjaiah S/o Late Mariyayya on record by setting aside the abatement and condoning the delay in filing the same. Description of legal heirs to be brought on record.

- 4(a). Smt. Savitri W/o Manjaiah,
Aged about 55 years,
R/o Hemmakki Village,
Kalasa Hobli & Taluk.
- 4(b). Ashok S/o Manjaiah,
Aged about 36 years,
R/o Hemmakki Village,
Kalasa Hobli & Taluk.
- 4(c). Smt. Ashwini W/o Promadha,
D/o Manjaiah,
Aged about 32 years,
R/o Bhadrakali, Hemmakki Village,
Kalasa Hobli & Taluk.
- 4(d). Smt. Ashwatha W/o Suresha,
D/o Manjaiah,
Aged about 29 years,
R/o Idakani Village, Hemmakki Post,
Kalasa Hobli & Taluk.

2. In support of the present applications, the applicants have filed their memorandum of facts wherein contended that the defendant No.4 has died on 01.12.2024 leaving behind them as his sole legal representatives/ heirs. Further they have also submitted

that they are all entitled to success his property and right to sue survive in their favour. Hence it is necessary for them to come on record in this suit. On these averments, the applicants have sought for allowing the applications.

3. On the other hand, the plaintiff has submitted no objection to the present applications.

4. Heard and Perused.

5. This is a suit for partition and separate possession with respect to the suit schedule properties. When the matter has been posted for plaintiffs evidence the defendant No.4 got reported dead on 01.12.2024. The death certificate produced in this regard to disclose the same. The present applications came to be filed on 06.08.2025 wherein it shows delay of 9 months 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 representatives/ heirs of defendant No.4 claims the ownership and the right to sue survives even on the LRs of deceased defendant No.4. Under this circumstances, this Court is proceeds to pass the following:

ORDER

I.A. No. V to VII filed by the applicant/proposed LRs of defendant No.4, are hereby allowed.

Applicants are permitted to come on record as LRs of defendant No.4. 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: 15.09.2025.**

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