

**IN THE COURT OF THE CIVIL JUDGE AND ADDITIONAL
J.M.F.C., AT TARIKERE**

Present : SMT.PAVITHRA.M.D, B.A., LL.B.,
Civil Judge & Addl. JMFC. Tarikere.

O.S.No.103/2017
Dated this 09th day of July 2019

ORDER ON IA.No.4

The plaintiff has filed application U/Or.22 Rule 4 R/w Sec.151 of CPC to bring the LR's of defendant No.3 on record.

2. It is averred in the affidavit annexed to the application that, the 3rd defendant died on 26.06.2018 leaving behind the application schedule persons as his legal heirs. The legal heirs of the 3rd defendant are necessary parties to adjudicate the matter effectively. Hence, this application.

3. In spite of service of IA notice, the LR of the defendant No.1 entered their appearance through their counsel and subjected no objection to the application.

4. Heard on application.

5. Perused the application in the backdrop of materials available on record. The plaintiff has filed this suit for partition and separate possession of his share in the suit schedule properties. Admittedly, the 3rd defendant died on 26.06.2018 i.e., during pendency of the present suit. Since, this suit is for partition, the LR's of the 3rd defendants are the necessary parties to adjudicate the matter effectively. Apart from this, the plaintiff has filed this application within the

period of limitation. Hence, I find no impediment to permit the plaintiff to implead the application schedule persons as the legal heirs of deceased defendant No.3 Accordingly, I proceed to pass the following:

ORDER

The application filed the under Order 22
Rule 4 R/w Sec.151 of C.P.C is hereby allowed.

No order as to cost.

To carry out amendment and amended
plaint by

Sd/-

**(PAVITHRA.M.D)
CIVIL JUDGE AND
ADDL.J.M.F.C., TARIKERE.**