

**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.37/2017

Dated this 24th day of April 2019

ORDER ON IA.7 TO 9

The applicants have filed application under Order 22 Rule 3 R/w Sec.151 of CPC to bring them as LR's of deceased plaintiff, the application U/Or.22 Rule 9 R/w Sec.151 of CPC to set-aside the order of abatement and the application U/Sec.5 of Limitation Act to condone the delay in filing the legal heirs application.

2. It is averred in the affidavits annexed to the applications that, they are the legal heirs of deceased plaintiff and the plaintiff died on 06.08.2018 leaving behind the applicants as his legal heirs. They further stated that, they are the legal heirs of deceased plaintiff and they are necessary parties to the present suit. Further, the estate of the deceased plaintiff devolves upon the applicants as they are his legal heirs. Hence, it is necessary to bring them on record as legal heirs of deceased plaintiff. They further stated that, the delay in filing the application to bring them as LR's of deceased plaintiff is bonafide one and not intentional. Hence, these applications.

3. In spite of sufficient opportunity, the defendants have not filed their objection statement.

4. Heard on applications.

5. Perused the applications in the backdrop of materials available on record. The plaintiff has filed this suit for declaration, possession and for mesne profits. It is the claim of the plaintiffs that, the plaintiff died on 06.08.2018 leaving behind the applicants as his legal heirs and the estate of the deceased plaintiff devolves upon them. The applicants have come up with the present applications on 30.10.2018. Further, the reasons assigned by the applicants to condone the delay in filing the applications are sufficient. Moreover, since the estate of the deceased plaintiff devolves upon the applicants as his legal heirs they are the necessary parties to the present suit. Hence, in order to meet the ends of justice and to avoid multiplicity of proceedings, the applications filed by the applicants deserves to be allowed. Accordingly, I proceed to pass the following:

ORDER

IA.No.7 to 9 filed by the applicants are hereby allowed.

Consequently, the applications schedule persons are hereby impleaded as LR's of deceased plaintiff.

Cost shall follow the event.

To carry out amendment and amended
plaint by 19.06.2019.

Sd/-

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