

**ORDERS APPLICATION FILED IA NO.IV U/O.22 RULE
4 R/W SEC 151 OF CPC**

The Applicant has filed application U/o. 22 Rule 4 R/w sec 151 of CPC and prays this court to implead the legal heirs of deceased defendant No.2 as defendant No.1(a) to (c).

2. Upon service of notice LRs of defendant No.2(a) and (c) have appeared before this court and submit no objection to above said IA. Upon service of notice LRs of defendant No.2(b) has not appeared before this court. The defendant No.1 and 3 have not filed any objection to above application.

3.I have heard both counsels on this application.

4. The following points arise for my consideration:

1. Whether the legal heirs of deceased defendant No.2 are necessary parties to this suit to elucidate the real dispute between the parties?

2. What order?

5. My answers to the above points are in affirmative for the following:

REASONS

6. Point No.1: The Plaintiff had filed this suit against the Defendants seeking the relief of Partition and

Separate Possession in respect of suit schedule properties.

7. After the death of the defendant No.2, the right to sue survives on his legal heirs. Order 22 Rule 1 of CPC makes it clear that, the death of Plaintiff or Defendant shall not cause the suit to abate if the right to sue survives. After the death of defendant No.2, the right to sue survives on his legal heirs.

8. Point No.2: For the aforesaid reasons, I proceed to pass the following:

ORDER

Application filed by the Plaintiff U/o 22 Rule 4 R/w 151 of CPC is hereby allowed.

The Plaintiff is directed to implead the legal heirs of deceased defendant No.2 as defendant No.2(a) by name Gowramma, 2(b) by name Suma, 2(c) by name Santhosh to this suit by suitably amending the cause title of the plaint.

For amendment on 02.06.2025.

**Addl. Civil Judge & JMFC.,
Gundlupet.**