

I.A.No.2 to 6 filed by the plaintiffs U/O.22 Rule 4 of CPC, U/O. 22 Rule 9 of CPC, and Sec.5 of Limitation Act respectively, requesting the court to set aside abatement order passed against the defendant No.16 and 19 by condoning delay in filing applications and permit the plaintiffs to bring legal heirs of defendant No.16 and 19 on record whose names shown in schedule to the application, in the interest of justice.

Copy of the applications are served on other side.

In response to notice on I.A. proposed defendant No.16(A) to 16(E), defendant No.19.(A) to 19(D) -19(D)1 and 19(D)2 have not tendered their appearance before the Court, hence placed *exparte*.

Heard on both side.

Perused the records placed before the Court.

It is stated in an affidavit filed in support of applications that, the defendant No.16 and 19 died. The persons whose name shown in the schedule to the application are legal heirs of deceased defendant No.16 and 19. As

plaintiffs/applicants had been to other place in search of avocation, they could not furnish necessary information to his counsel so as to bring legal heirs of defendant No.16 and 19 on record in time. Non bringing of legal heirs of defendant No.16 and 19 in time is not intentional one, same is due to above mentioned bonafide reasons. If abatement order passed against defendant No.16 and 19 is not set aside, and plaintiff is not permitted to bring legal heirs of defendant No.16 and 19 on record, he will be put to hardship and injury, on the other hand no hardship or injury would be caused to other side.

It is not in dispute by proposed parties they are the legal heirs of deceased defendant No.16 and 19. As per contents of applications, same are filed. There is reasonable grounds made out to set aside abatement order passed against defendant No.16 and 19. As right to sue survives in favour of proposed parties who are L.R's of defendant No.16 and 19.

Hence, I proceed to pass the following :

ORDER

I.A.No.2 to 6 filed by the plaintiffs/applicants U/O.22 Rule 4 of CPC, U/O.22 Rule 9 of CPC and Sec.5 of Limitation Act are hereby allowed.

The plaintiffs are permitted to bring L.Rs of defendant No.16 and 19 on record, whose name

shown in schedule to the application as legal heirs of defendant No.16 and 19 in the present case.

The plaintiffs are directed to carry out necessary correction in cause title of plaint and furnish amended plaint.

Call on : 16/12/2022.

Sd/-
Senior Civil Judge
Harihara.