

I.A.No.6 to 8 filed by the plaintiffs U/O.22 Rule 4 of CPC and U/O.22 Rule 9 of CPC and Sec.5 of Limitation Act, requesting the court to permit them to bring legal heirs of deceased defendant No.9 on record, whose names shown in schedule to the application.

In pursuance of service of notice on I.A.No.6 to 8, defendants No.9(a) to 9(d) have not appeared before the Court through their counsel and contested the application.

Advocate for defendants submitted that, no objection to allow the above said applications.

Heard on both side.

Perused the records placed before the Court.

It is stated in an affidavit filed in support of application that, during pendency of suit on 11/03/2021 has defendant No.9 has been died leaving behind his L.Rs as shown in schedule to the application. Hence it is necessary to bring the legal heirs of deceased defendant No.9 for effective adjudication of the case.

Fact to be noted that, there is no dispute with regard to these proposed parties are legal heirs of original defendant No.9.

Such being the fact right to sue survives in favour of proposed parties after death of original defendant No.9. Hence the present application filed by the plaintiffs deserves to be allowed.

In view of above made discussion, I proceed to pass the following :

ORDER

I.A.No.6 to 8 filed by the plaintiffs U/O.22 Rule 4 of CPC and U/O. 22 Rule 9 of C.P.C and Sec.5 of Limitation Act are hereby allowed.

No order as to cost.

The plaintiffs are permitted to bring L.Rs of defendant No.9 whose name shown in schedule to the application as legal heirs of defendant No.9 in the present case.

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

Call on :

Sd/-

Senior Civil Judge
Harihara.