

ORDER ON I.A.NO.VIII FILED BY
THE PLAINTIFF UNDER ORDER XXII
RULE 4 OF C.P.C.

The above IA is filed by the plaintiff by praying to implead the legal heirs of defendant No.1 i.e., D1(a) to D1(e).

2. The I.A. is supported by an affidavit filed by the plaintiff No.1 by stating that, the suit is filed for Declaration and Injunction against the defendants, on 04.08.2024 the defendant No.1 has died, thus his legal heirs are to be brought on record.

3. On the other hand, on behalf of the legal heirs of the defendant No.1 filed objections by contending that, the I.A. is filed to drag on proceedings, hence sought for dismiss the I.A.

4. Heard arguments submitted by both sides. Perused the materials placed on record.

5. The following points that arise for my consideration are:

1. Whether the plaintiff has made out grounds to bring the legal heirs of defendant No.1 on record as sought for in the I.A.?

2. What order?

6. My findings to the above points are as under:

Point No.1 : In the Affirmative,

Point No.2 : As per final order for the following:

REASONS

7. **POINT NO.1:** The above suit is filed by the plaintiff against the defendants for the relief of Declaration and Injunction. As the defendant No.1 has died the plaintiff filed I.A. under Order 22 Rule 4 of C.P.C. by seeking to bring the LR No.1(a) to (e) as mentioned in the I.A. on the ground that, on 04.08.2024 the defendant No.1 has died and hence it is just and necessary to bring the LRs of defendant No.1 on record. The objections raised by the LRs of defendant No.1 is that, the I.A. is filed to drag on proceedings. In this case, the LRs of the defendant No.1 have not disputed that they are not the legal heirs of defendant No.1. As the instant suit is filed for the relief of declaration and injunction, the LRs of defendant No.1(a) to (e) be impleaded as parties. Thus, the I.A. filed by the plaintiff deserves to be

allowed. Hence, I hold that, the plaintiffs made out grounds to allow the I.A. Accordingly, I answer the above **point No.1 in the Affirmative.**

8. **POINT NO.2** : In the result, I proceed to pass the following :

O R D E R

The I.A. No.VIII filed by the plaintiff under Order 22 Rule 4 of C.P.C. is hereby allowed.

Consequently, the legal heirs of defendant No.1(a) to (e) are brought on record as prayed in the I.A.

For carrying out necessary amendment.

Call on: 11.12.2025.

**SENIOR CIVIL JUDGE & J.M.F.C.,
ARAKALAGUD.**