

ORDERS ON I.A. NO. 6 to 8

When the case was posted for defense evidence, the plaintiff has filed an applications on 26.02.2024.

The plaintiff has filed I.A.No.6 Under Order 22 Rule 4 of CPC, I.A.No.7 U/O. 22 Rule 9 of CPC and I.A.No.8 U/Sec.5 of Limitation Act and praying to permit the plaintiff to bring the LR's defendant No.6 by setting aside order of abatement by condoning delay.

In the affidavit annexed to the application it is stated that, the plaintiff has filed the present suit against the defendants for the relief of partition and separate possession. During the pendency of the suit, the defendant No.6 was died and it is necessary to bring the LRs of defendant No.6 on record. If, the applications are not allowed, plaintiff will be put to heavy loss and injury. Hence, the present applications has been filed and prayed to allow the application.

On the other hand, notice was issued to LR's of defendant No.6 and they have appeared before the Court through their counsels and not filed objections to I.A.No.6 to 8.

By perusal of records, the plaintiff has filed the suit against the defendants for partition and separate possession. During the pendency of the suit, the defendant No. 6 was died and the plaintiff has not brought the LR's of defendant No.6 on record within 90 days from the date of death of defendant No.6. Moreover, LR's of defendant No.6 have not submitted their objections to allow the applications filed by the plaintiff. Since, the suit is filed for partition and separate possession, the LR's of defendant No.6 are necessary parties to come proper conclusion of the case and to determine the valid title over the suit schedule properties. Hence, it is appropriate to give an opportunity to plaintiff to bring the LR's of defendant No.6.

Hence, the court proceeds to pass the following:

: O R D E R :

I.A.No.6 to 8 are hereby allowed on cost of Rs.2000/-.

Plaintiff is hereby directed to carry out amendment and to file amended plaint and compliance of cost.

Call on 17.01.2025. .

**2nd Addl. Civil Judge & JMFC
Arakalgud.**

