

COMMON ORDERS ON I.A. NOS.3 TO 5

Applicant filed IA No.3 under Section 5 of Limitation Act, IA No.4 under Order 22 Rule 9 read with Section 151 of CPC, IA No.5 under Order 22 Rules 3 and 4 read with Section 151 of CPC seeking to bring Lrs of plaintiff No.1 on record. In the applications it is stated that the plaintiff No.1 had died on 27.03.2024 and the Lr's shown in IA No.5 are only the Lr's of plaintiff No.1. Since the plaintiff No.1(d) has not agreed to appear before the court, notice has to be issued to him. Therefore, it is necessary that the Lr's of plaintiff No.1 has to be brought on record. On these grounds, it is prayed to allow the applications.

As stated in the applications, notice came to be issued to plaintiff No.1(d). She entered appearance through her counsel. However, she has not filed any objection to IA Nos.3 to 5. The defendants also have not filed objection to these applications. Hence, objection to IA Nos.3

to 5 by plaintiff No.1(d) and defendants was taken as nil.

Heard argument. Perused entire record.

As stated above, it is reported that the plaintiff No.1 had died on 27.03.2024. Thereafter, these applications have been filed seeking to bring her Lr's on record. If there is any dispute with regard to aspect of Lr's of plaintiff No.1, either the plaintiff No.1(d) or the defendants have filed objection to IA Nos.3 to 5. However, as observed earlier, none of them have filed any objection to these applications. Therefore, this court is of the view that, the IA Nos.3 to 5 have to be allowed and the Lr's of plaintiff No.1 have to be permitted to come on record. Accordingly, IA Nos.3 to 5 are allowed and the Lr's of plaintiff No.1 have to be permitted to come on record.

For amendment of plaint and filing amended plaint by 22.07.2025.

Civil Judge and JMFC,
Holenarasipura.

