

ORDER ON IA.NO.9 to 11

1. The plaintiff has filed the present application U/o 22 Rule 4, R/w Section 151 of CPC, seeking to impleaded the Lrs of defendant No.7 and to set aside the abatement and to condone the delay in filing the application.

2. The plaintiff in the affidavit filed along with a application contended that, he has filed the present suit seeking the declaration and permanent injunction in respect of suit schedule 'A' property. The defendant No.7 has expired on 02.07.2023. The proposed defendant No.7(a) to 7(c) are the Lrs of defendant No.7. The said persons are proper necessary parties. The plaintiff came to know about the same recently. Therefore there have not filing the application and prays to allow the application.

3. In spite of service of notice, the proposed defendant No.7(a) to 7(c) as remained absent.

4. Heard, arguments from both side, in view of the material placed before me and the rival contention raised by the parties. The following points have arisen for my consideration;

P O I N T S

1. Whether the plaintiff has made out grounds to allow the application?
2. What order ?

5. My answer is in the Affirmative for the following;

R E A S O N S

6. **Point No.1:-** The present application is filed by the plaintiff seeking bring the Lrs of defendant No.7. The plaintiff contended that, he recently came to know about the death of

defendant No.7. The proposed defendant No.7(a) to 7(c) are the Lrs of defendant No.7. The proposed defendant No.7(a) to 7(c) inspite of receipt notice remained absent.

7. The present suit is filed by the plaintiff seeking the relief of declaration. The proposed defendants are the proper necessary parties for effective disposal of the suit. There is a delay in filing the present application. Hence, the application deserves to be allow by imposing costs. Hence, this court answered the **point No.1 in the Affirmative.**

8. **Point No.2:-** Hence, for the aforesaid reasons, I proceed to pass the following;

O R D E R

IA.No.9 to 11 filed by the plaintiff
U/o 22 Rule 4, are hereby allowed on cost of
Rs.250/-.

The proposed defendant No.7(a) to 7(c) has impleaded as defendant No.7(a) 7(c).

The abatement set aside. To carry out amendment and to file amended plaint by:
23.06.2026.

(Dictated to stenographer typed by her, corrected by me, then pronounced in the open court on this the **11th day of June, 2026**)

Sd/-
(BASAVARAJA THULASAPPA NAYAKA)
Civil Judge & JMFC,
Byadgi.

