

I	Provision under which the applications is filed	IA.No.III – U/s.5 Limitation Act IA.No.IV – U/o XXII Rule 9 of C.P.C. IA.No.V – U/o XXII Rule 4 of C.P.C.
II	Relief sought for	IA.No.III – To condone the delay IA.No.IV – To set aside order IA.No.V –To bring defendant No.1(a) to 1(e) on record
III	Date on which the applications is filed	07-01-2025
IV	Number of applications	I.A.No.III to V
V	The date of which objections filed by the different opponents	08-12-2025
VI	Date on which the order was passed on said applications	23-01-2026

ORDER ON I.A.No.III TO V

The applicant/plaintiff has filed I.A.No.III to I.A.No.V to condone the delay, to set aside the abatement order and to bring legal heirs of deceased defendant No.1 on record.

2. In the affidavits annexed to the applications, the applicant has commonly deposed to the facts that, there is a necessity to set aside the abatement order to bring the legal heirs of the deceased defendant No.1. Further, there has been a delay of 253 days in seeking to bring legal heirs of deceased defendant No.1 on record and on account of death of defendant No.1 on 25-01-2024 and defendant No. 1(a) to 1(e) being legal heirs of deceased defendant No.1, it is claimed that it is very much necessary to bring them on record to proceed with the suit. On said grounds, it is prayed to allow the applications.

3. Per contra, I.A.No.III to IV have been resisted by the counsel for the defendant No.1 No.1(a) to 1(e) by filing objections inter alia among various grounds. The defendant No.1(a) to (e) have contended that there is a delay of 253 days and there are no valid grounds to allow the present applications. Hence, the present applications are not at all maintainable. On said grounds, it is prayed to dismiss the applications with costs.

4. Heard the arguments of both sides and perused entire materials available on record.

5. The points that would arise for consideration of this court are as follows:-

POINTS

1. Whether the applicant has made out sufficient grounds to allow the applications?

2. What order?

6. The findings of this court on aforesaid points are as follows:-

Point No.1 : In the Affirmative

***Point No.2 : As per final order
for following:-***

REASONS

7. **Point No.1:-** It is pertinent to note that the present suit has been filed by the plaintiff for the relief of partition and separate possession and there is no dispute in respect of relationship of the defendant No.1(a) to (e) with the defendant No.1. Such being the facts present applications seeking to bring legal heirs of deceased defendant No.1 deserves to be allowed. Accordingly, point No.1 answered in the affirmative.

8. **Point No.2:-** In the light of aforesaid reasons and discussions, this court is proceed to pass following:-

ORDER

***I.A.No.III U/s. 5 of Limitation Act,
I.A.No.IV U/o.XXII Rule 9 of C.P.C
and I.A.No.V U/o. XXII Rule 4 of CPC
filed by the applicant are hereby
allowed on cost of Rs.300/-.***

***Call on cost, amendment and
amended plaint by 16-03-2026.***

**Civil Judge & JMFC.,
Hangal.**