

ORDER ON I.A. No.V

Advocate for plaintiff has filed this application U/Order.22 Rule 4 R/w Sec.151 of CPC, seeking to bring the LR's of defendant No.1 on record.

2. In the affidavit annexed to the application, it is stated that, defendant No. 1 Sri Ramakrishnappa @ krishnamurthy S/o. Devendrappa Badiger died on 05/09/2019. the wife of defendant no.1 also died. They have two children. They are only the legal heirs of the defendant No. 1. They are necessary party to the suit . In the case, there is necessity to bring the LR's. of defendant No.1 on record. Hence this application.

3. After notice of I.A. No.6 to Defendant No.1(a) and 1 (b), they remained absent and not filed the objections to the application.

4. Heard the arguments of advocate for plaintiff.

5. Perused the application and other materials on record. Defendant No.1 died on 05.09.2019. Plaintiff filed suit against defendants for partition and separate possession. As taken contention by the plaintiff that, defendant No.1 died leaving behind two children as his legal heirs and they are necessary

parties to the suit. The plaintiff filed the present application on 26.11.2019. wherein the application is filed within 90 days from the death of the defendant no.1. The suit against defendant no.1 is also not abated. Accordingly, it is clear that, defendants No.1(a) and (b) are the necessary parties to the suit. Without bringing them on record there will be no proper adjudication of the suit. Hence, I proceed to pass the following:

ORDER

I.A.No.V filed by plaintiff U/Order.22 Rule 4
R/w Sec.151 of CPC is hereby allowed.

**Civil Judge & JMFC.,
Shiggaon.**

To carry out necessary
amendment to the plaint and to
furnish amended plaint

by: 07/07/2020