

**Order on I.A VIII to X filed Under Order 22 Rule 3 of CPC,
U/o 22 Rule 9 of CPC and Sec. 5 of Limitation Act by the
plaintiff**

1. The plaintiff filed I.A No.VIII to X Under Order 22 Rule 3 of CPC, U/o 22 Rule 9 of CPC and Sec. 5 of Limitation Act_ praying to permit the plaintiff to bring on record the legal heirs of deceased defendant No.2 in the interest of justice.

2. The application is accompanied with an affidavit sworn by the plaintiff stating that the defendant No.2 by name Jagadevi died on 03-05-2023. The deceased defendant No.2 has legal heirs I.e., sons and daughters. Except defendant No.2(a) to 2(c) there are no legal representatives of deceased defendant No.2. Thus the plaintiff prayed to permit them to bring on record defendant No.2(a) to 2(c) as the legal Heirs of deceased defendant No.2.

3. Notice was issued to the defendant No.2(a) to 2(c).Sri. JPA filed vakalath for defendant No.2(a) to 2(c) but has not filed objections. Heard counsel for the plaintiff on IA No.VIII to X.

4. On the basis of materials on record, the following points, arise for consideration as under.

1. Whether the plaintiff has made out reasonable grounds to allow I.A No.VIII to X?
2. What order ?

5. On perusal of the entire materials on record on appreciating the same, the above points are answered as under:

Point No.1:- In the affirmative

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

6. Reasoning on point No.1:

a. The suit is for the relief of partition and separation possession filed by the plaintiff against the defendants claiming her share in the suit schedule properties. It is undisputed that the defendant No.2 died during pending of this suit.

b. The plaintiffs intends to bring on record defendant No.2(a) to 2(c) as legal heirs of deceased defendant No.2. The plaintiff has also stated that except defendant No.2(a) to 2(c), there are no other legal heirs of deceased defendant No.2.

7. Looking to the nature of the suit, it appears that defendant defendant No.2(a) to 2(c) are necessary parties to the suit being legal heirs of deceased defendant no.2. Under the facts and circumstance of the case the plaintiff has made reasonable grounds to allow the applications and accordingly Point No.1 is answered in affirmative.

Point No.2:- In view of the discussions made while answering Point No.1, I proceed to pass the following:

ORDER

I.A No.VIII to X filed by the plaintiff is hereby allowed.

The plaintiff is permitted to bring on record defendant defendant No.2(a) to 2(c)as legal heir of deceased defendant No.2.

The delay caused in bringing legal heirs on record is condoned on cost of Rs.300/-.

The plaintiff is permitted to file amended plaint and carry out the amendment.

Call on 11-03-2024.

**Senior Civil Judge & JMFC,
Chincholi.**