

7.11.2023.

**Orders on IA U/O 22 Rule 4 of CPC, IA U/O 22
Rule 9 of CPC and IA U/s.5 of Limitation Act**

The plaintiff has filed these applications and sought to bring on record the L.R. of deceased defendant No.1 by condoning the delay

2. The plaintiff has sworn to an affidavit in support of IA and stated that defendant No.1 died on 14.10.2022. The opponent is the wife of deceased defendant No.1. The name of the opponent was not known to the plaintiff. Therefore there is a delay in filing the application. Hence prays to allow the applications.

3. After service of IA notices the opponent has appeared through her counsel and she has not filed any objections to IAs.

4. Perused the records. Heard arguments.

5. The suit is one for the plaintiff of partition and separate possession. Therefore the right to sue and right to prosecute survives against the L.R of deceased defendant No.1. The plaintiff has properly explained the delay. Hence the following:

ORDER

The applications filed by the plaintiff U/O 22 Rule 4, IA No.22 Rule 9 of CPC and IA U/s.5 of Limitation Act are hereby allowed.

The delay caused in bringing the L.R of deceased defendant No.1 is hereby condoned and abatement order is set aside.

The opponent is brought on record as L.R of deceased defendant No.1 as defendant No.1(d).

The plaintiff shall amend the plaint and furnish amended plaint within ten days from today.

Senior Civil Judge & JMFC, Sedam.

Orders on IA U/O 22 Rule 4 of CPC

The plaintiff has filed this application and sought to bring on record the L.R. of deceased defendant No.1.

2. The plaintiff has sworn to an affidavit in support of IA and stated that defendant No.1 died on 14.10.2022. The opponents are legal heirs of deceased defendant No.1. The application is within time. Hence prays to allow the application.

3. After service of IA notice the opponents have appeared through their counsel and they have not filed any objections to IA.

4. Perused the records. Heard arguments.

5. The suit is one for the plaintiff of partition and separate possession. Therefore the right to sue and right to prosecute survives against the L.R of deceased defendant No.1. Hence the following:

ORDER

The application filed by the plaintiff U/O 22 Rule 4 of CPC is hereby allowed.

The opponents are brought on record as L.R of deceased defendant No.1 as defendant No.1(a to c).

The plaintiff shall amend the plaint and furnish amended plaint within ten days from today.

For amendment and amended plaint call on 15.11.2023.

Senior Civil Judge & JMFC, Sedam.