

**IN THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC  
SEDAM**

**PRESENT: SRI. VIJAYKUMAR S. JATLA**

**B.Sc., LL.B.**

**Senior Civil Judge & JMFC Sedam.**

**DATED THIS THE 21<sup>st</sup> DAY OF JUNE-2022.**

**O.S.No.19/2015**

**Plaintiffs** : Shamamma.

**// Versus //**

**Defendants** : Narasamma and others.

**Common Orders on I.A.No-16 U/o 22 Rule 3 R/w Sec. 151 of CPC  
and IA No.17 U/O 22 Rule 3 R/w Sec.151 of CPC filed by the L.Rs  
of Plaintiff**

These an interlocutory applications are filed by the L.R of plaintiff for bringing LR's of deceased plaintiff on record and L.Rs of deceased plaintiff No.1(a) on record.

The following legal representatives of deceased plaintiff are:

1(A) Mogalappa S/o Ashappa @ Ashanna Besta, Age: 62 years, Occ: Agriculture, R/o Chandrakal, Tq: Kodangal, Dist: Maheboob Nagar(T.S.).

1(B) Ashamma W/o Bichappa (D/o Ashappa @ Ashanna Besta( Age: 60 years, Occ: Agriculture, R/o Kontanpalli, Tq: Sedam, Dist: Kalaburagi.

1(C) Bichamma W/o Bichappa (D/O Late Yallappa Besta), Age: 48 years, Occ: Agriculture, R/o Halkoda, Tq: chincholi, Dist: Kalaburagi.

1(D) Pedda Basappa S/o Late Yallappa Besta, Age: 46 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar (T.S.)

1(E) Ashamma W/o Yallappa (D/o Yallappa Besta), Age: 41 years, Occ: Agriculture, R/o Damaragidda Mandal Piddampalle, Malreddy Pally, Dist: Maheboobnagar.

1(F) Venkatappa S/o late Yallappa Besta, Age: 34 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar (T.S.).

1(G) Basalingamma W/o Laxmappa (D/o Late Yallappa Besta) Age: 33 years, Occ: Agriculture, R/o Gajarkot, Tq & Dist: Yadgir.

1(H) Srinivas S/o Late Yallappa Besta, Age: 31 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar (T.S.)

The following legal representatives of deceased plaintiff 1(A) are:

1(A)(1) Ashanna S/o Mogalappa Besta, Age: 50 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar(T.S.).

1(A)(2) Bharatamma W/o Sayappa Gaddamidi (D/O Mogalappa) Age: 46 years, Occ: Agriculture, R/o Kotanapalli, Tq: Sedam, Dist: Kalaburagi.

1(A)(3) Basappa S/o Mogalappa Besta, Age: 42 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar(T.S.).

1(A)(4) Apthagiri Lingamma D/o Mogalappa Besta, Age: 40 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar (T.S.)

1(A)(5) Shankerappa S/o Mogalappa Besta, Age: 38 years, Occ:Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar(T.S.)

1(A)(6) Sunitha D/o Mogalappa Besta, Age: 35 years, Occ: Agriculture, R/o Chandrakala, Tq: Kodangal, Dist: Maheboobnagar (T.S.).

2. Advocate for L.Rs of plaintiff contended that the plaintiff died leaving behind the L.Rs as mentioned in the IA No.16, the right sue survival against the legal representatives deceased plaintiff, therefore, the legal representatives of deceased plaintiff may kindly be come on record by allowing IA No.16. Further contended that the plaintiff NO.1(A) died on 1.10.2021 leaving behind the L.Rs as mentioned in the IA No.17, the right sue survival against the legal representatives of deceased plaintiff No.1(A), therefore, the legal representatives of plaintiff No.1(a) may kindly be come on record by allowing IA No.17.

3. The learned counsel for the defendant No.1 to 6 having no objection to allow IA No.16 and 17. .

4. Heard both side.

5. On the basis of the above pleadings and on hearing both side, the following points arise for my consideration are:

- 1) Whether the L.Rs of plaintiff have made out grounds to allow

I.A.No.16 under Oder 22 Rule 3  
R/w Sec. 151 of CPC and  
I.A.No.17 U/O 22 Rule 3 R/w  
Sec.151 of CPC?

2) What order?

6. My findings on the above points are as under:

Point No:1 : In the Affirmative.

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

### **REASONS**

7. **Point No.1:-** The case of the plaintiff is as discussed above.

This is a suit for partition and separation possession against the defendants in respect of suit properties. The IA No.16 U/O 22 Rule 3 R/w Sec.151 of CPC is filed by the L.Rs of deceased plaintiff for bringing the the L.Rs of deceased plaintiff as plaintiff No.1(A) to (H) and IA No.17 U/O 22 Rule 3 R/w Sec.151 of CPC is filed by the L.Rs of deceased plaintiff No.1(A) for bringing the L.Rs of deceased plaintiff NO.1(A) as plaintiff No.1(A)(1) to 1(A)(6).

8. Advocate for plaintiff contended that the proposed LR's of deceased plaintiff and proposed L.Rs of plaintiff No.1(A) are very much essential for proper adjudication of the matter as the deceased

plaintiff No.1 and plaintiff No.1(A) are died leaving behind the present LR's of deceased plaintiff and deceased plaintiff No.1(A). Further contended that the right suit survives, hence the Lr's are essential for proper adjudication of the matter. If the applications are not allowed then L.Rs of plaintiff will be put to greater hardship and it will leads to multiplicity of proceedings.

**9.** On perusal of the I.A No.16 and 17 it is seen that the deceased plaintiff died leaving behind her legal heirs, after the death of plaintiff present proposed plaintiff No.1(A) to 1(H) are the L.Rs of plaintiff. Further it is seen that the plaintiff No.1(A) died on 1.10.2021, after the death of plaintiff No.1(A) present proposed plaintiff No.1(A)(1) to 1(A)(6) are the L.Rs of plaintiff No.1(A). The proposed L.Rs of plaintiff No.1(A) to 1(H) and proposed L.Rs of plaintiff No.1(A)(1) to 1(A)(6) are very much essential for proper adjudication of dispute. If the I.A No.16 and 17 are not allowed it will leads to multiplicity of proceedings and the presence of above proposed L.Rs of plaintiff and proposed L.Rs of plaintiff No.1(A) are necessary to decide the matter in controversy between the parties. The plaintiffs made out the valid and justifiable grounds to allow I.A No.16 U/o 22 Rule 3 R/w

Sec. 151 of CPC and I.A.No.17 U/O 22 Rule 3 R/w Sec.151 of CPC.

In the light of above reasons **I answer Point No.1 in the Affirmative.**

**10. Point No.2**:- As I have answered point No. 1 in the Affirmative for the foregoing reasons, I proceed to pass the following:

**ORDER**

IA-16 Under Order 22 Rule 3 R/w sec.151 of CPC filed by the L.Rs of plaintiff is allowed.

Further proposed plaintiff No.1(A) to (H) are considered as L.Rs of deceased plaintiff.

IA-17 Under Order 22 Rule 3 R/w sec.151 of CPC filed by the L.Rs of plaintiff No.1(A) is allowed.

Further proposed plaintiff No.1(A)(1) to 1(A)(6) are considered as L.Rs of deceased plaintiff No.1(A).

The proposed LR's of plaintiff are directed to come on record as plaintiff No.1(A) to 1(H) and the proposed LR's of plaintiff No.1(A) are directed to come on record as plaintiff No.1(A)(1) to 1(A)(6).

Plaintiffs are directed to amend the cause title by bringing LR's of plaintiff on record as plaintiff No.1(A) to 1(H) and LR's of plaintiff

No.1(A) on record as plaintiff No.1(A)(1) to 1(A)  
(6) respectively.

(Dictated to the directly on computer and corrected and then pronounced by me, in the open Court on this the **21<sup>st</sup> day of June-2022**, at Sedam)

Senior Civil Judge & JMFC,  
Sedam.