

16.7.2024.

Orders on IA NO.7 U/O 22 Rule 4 of CPC

The plaintiff has filed this application U/O 22 Rule 4 of CPC and sought to bring L.Rs of deceased defendant No.3 on record.

2. The plaintiff has sworn to an affidavit filed in support of IA and stated that the defendant No.3 died on 16.1.2024 leaving behind him the opponents. Hence prays to allow the IA.

3. After of service of IA notice the opponents have remained absent.

4. Perused the records. Heard arguments.

5. The suit is one for the relief of partition and separate possession. Therefore the right to sue and right to prosecute survives against the L.Rs of deceased defendant No.3. Further the application is filed within time. Hence it is just and necessary to allow the application. Hence the following:

ORDER

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

The opponents are brought on record as L.Rs of deceased defendant No.3.

The plaintiff shall amend the plaint and furnish amended plaint.

For amendment and amended plaint call on 24.7.2024.

Senior Civil Judge, Sedam.

