

17.7.2023.

Order on IA U/O 22 Rule 4

The plaintiffs have filed this application U/O 22 Rule 4 of CPC and sought to bring on record L.Rs of deceased defendant No.1.

2. The plaintiff No.1(b) Rajshekhar has has sworn to an affidavit in support of IA and stated that defendant died on 9.6.2022 leaving behind him the opponents. Hence prays to allow the application.

3. After 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. The defendant No.1 died during pendency of the suit leaving behind him the

opponents. Therefore the right to sue and right to prosecute survive against the L.Rs of deceased defendant No.1. Hence, the following:

ORDER

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

The opponents are brought as L.Rs of deceased defendant No.1.

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

For amendment and amended plaint call on 21.7.2023.

Senior Civil Judge, Sedam.