

11.12.2023

Orders on IA U/O 22 Rule 4 of CPC

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

2. The plaintiff has has sworn to an affidavit in support of IA and stated that the defendant No.1 died on 7.2.2023. The defendant No.2 is already on record as one of the L.Rs of deceased defendant No.1. The opponent is another L.R. Hence prays to allow the application.

3. Perused the records. Heard arguments.

4. This suit is filed for the relief of partition and separate possession. Therefore, the right 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 CPC is hereby allowed.

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

Senior Civil Judge, Sedam.

Orders on IA No.5 U/O I Rule 10(2) of CPC

The plaintiff has filed this application U/O 1 Rule 10(2) of CPC and sought to implead the proposed defendant as defendant No.3 in this suit.

2. The plaintiff has sworn to an affidavit in support of IA and stated that the defendant No.2 executed registered sale deed in favour of proposed defendant No.3 under registered sale deed dated 14.7.2023. Therefore, the proposed defendant is proper and necessary party to this suit. Hence prays to allow the IA.

3. After service of IA notice the proposed defendant No.3 has remained absent.

4. Perused the records. Heard arguments.

5. The suit is one of the relief of partition and separate possession. The proposed defendant is purchaser of the suit property during pendency of the suit. Therefore he is proper and necessary parties to this suit. Hence the following:

ORDER

The application filed by the plaintiff U/O I Rule 10(2) of CPC is hereby allowed.

The proposed defendant as defendant No.3 in this suit.

The plaintiff shall amend the plaint and furnish amended plaint within ten days from the date of this order.

For amendment and amended plaint. Call on 18.12.2023.

Senior Civil Judge & JMFC, Sedam.