

ORDERS ON I.A. No.19

The proposed legal heirs of appellant No.1 have filed I.A. No.19 U/o 22 R. 3 of C.P.C. to come on record as legal heirs of appellant No.1.

2. In annexed affidavit proposed legal heir of appellant namely, Sri. Paramesha., has stated that his Grand father had filed present appeal against the Judgment and Decree passed by the trial court in OS No. 240/1996. He further stated that during the pendency of the appeal his father, who is the appellant No.1 died on 05.05.2026 and same has been reported by his counsel. Hence, he has filed present application before this court to come on record as legal heirs of appellant No.1.

3. On the other hand learned counsel for respondents submit no objection to IA No.19. Hence, objection to IA No.19 is taken as nil on 01.07.2026.

4. Heard and perused the documents placed on record.

5. Following points would arise for my consideration.

1. Whether the proposed legal heirs of appellant No.1 show that the right to sue survives to them to proceed with the suit as legal heirs of appellant No.1?

2. What order?

6. My answer to the above points are as follows.

Point No.1 : **In the Affirmative**

Point No.2 : **As per final order,**

for the following;

REASONS

7. **Point No.1:** On perusal of the records it appears that the deceased appellant has filed suit for Declaration and permanent Injunction against the respondents before trial court in OS No. 240/1996. The appellant No.1 died during the pendency of the appeal on 05.05.2026. Hence, I am of the opinion that if this application is not allowed hardship would be caused to the legal heirs of the appellant No.1 and cause of action for the suit survives to the legal heirs of appellant No.1. Accordingly, I hold Point No.1 in the **Affirmative**.

8. **Point No.2:** As per above said discussion Court proceeds to pass the following;

ORDER

I.A.No.19 filed by the proposed legal heirs of appellant No.1 U/o 22 Rule 3 of CPC is hereby allowed.

The proposed legal heirs of appellant No.1 are hereby permitted to come on record as Appellant No.1 (a)(i) to 1(a)(f) and proceed against the respondent.

It is hereby directed to amend the appeal memo within 03 days from the date of this order.

To file amended appeal memo by 08.07.2026.

C/C I Addl. Sr.Civil Judge & JMFC,
K.R.Pete