

### **ORDERS ON I.A.NO.9**

This is an application filed by the learned counsel for the plaintiffs seeking an order to bring the Legal Representatives of the deceased defendant No.1 on record.

2. The application is supported with the affidavit of the plaintiff No.9. In her affidavit, she has stated that the defendant No.1 died on 17.12.2017. He died leaving behind him, his legal representatives as mentioned in the application. Except those legal heirs, there are no any other persons as legal heirs to the deceased defendant No.1. In view of this, it is prayed to allow the application and permit the plaintiff to bring the LR's of the deceased defendant No.1.

3. It is to be noted that after filing this application, this Court had issued the notices to the LR's of the defendant No.1. After receipt of the notices, the LR's of the defendant No.1 have entered their appearance through their counsel. Though, they have appeared before the Court, they have not opted to file any objections.

4. Heard the arguments.

5. It is to be noted that the present suit has been filed by the plaintiffs seeking the relief of partition and separate possession in respect of the suit properties. The defendant No.1 is said to be the son of the propositus and the relationship between the parties to the suit is not under dispute. Under these

circumstances, the defendant No.1 is a proper and necessary party and he is no more now. These legal representatives of the defendant No.1 are very much required in the present suit, since, the Court need to adjudicate their rights also and this plaintiff has got right to sue against the LR's of the defendant No.1. In view of this, the application deserves to be allowed. Hence, I proceed to pass the following:-

**ORDER**

The application U/o.22 Rule 4 r/w Sec.151 of CPC filed by the plaintiffs is hereby allowed.

The plaintiff is permitted to amend the plaint by adding the proposed defendant No.1(a) to (c) as the defendant No.1(a) to (c) in the present suit.

Call on for amendment of the plaint  
by :- **27.11.2018.**

Senior Civil Judge,  
Maddur.