

Order on I. A .No.VI to IX

The application I.A.No.VII is filed by the plaintiff U/O 22 Rule 4 of CPC to implead the legal heirs of deceased plaintiff, I.A.No.VIII is filed U/O 22 Rule 9 of CPC to set aside the abatement order passed against the deceased plaintiff and I.A.No.IX is filed U/sec 5 of the Limitation Act to condone the delay in filing the abatement application.

2. All the applications are supported by the affidavit of the plaintiff and it is stated that he was not aware about the death of plaintiff till it was reported before the court. It is further sworn that after reporting the death of plaintiff the plaintiff has filed the present application and there is delay while impleading the legal heirs of deceased plaintiff. Hence prayed to allow the applications.

3. After filling application, notices were issued to the legal heirs of deceased defendant.

4. Heard the arguments of counsel for plaintiffs and defendants.

5. The applicants have filed the present applications to implead the legal heirs of deceased plaintiff. It is stated in the affidavit accompanying to the application that due to agony the legal heirs of plaintiff could not implead themselves in the present suit. The plaintiff has filed the suit against the defendants for the relief of partition and separate possession. The cause of action survive against deceased plaintiff. The plaintiff by swearing the affidavit has stated the reason for delay in filing

the applications to implead the legal heirs of deceased plaintiff. By considering the said reasons, the delay in filing the application to implead the legal heirs has to be condoned and the order of abatement has to be set aside. Hence this court proceeds to pass the following:

ORDER

The applications I.A.No.VI to IX filed by the plaintiff is hereby allowed.

The applicants are hereby permitted to implead themselves as legal heirs of deceased plaintiff and carryout necessary amendment.

The delay in filing impleading application is hereby condoned and the abatement order passed against plaintiff is hereby set aside.

No order as to cost.

For amendment and amended plaint.

Call on :

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 07th day of August, 2024)

**Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**