

Case called.

2. Heard arguments on IA Nos.VII to IX.

3. The GPA holder of plaintiffs has filed I.A.No.VII Under Order 22 Rule 4 R/w Section 151 of CPC seeking to bring the L.Rs of the defendant No.2 on record.

4. I.A.No.VIII and IX are filed by the GPA holder of plaintiffs Under Order 22 Rule 9 R/w Section 151 CPC and Section 5 of Limitation Act seeking to condone the delay in filing this applications and set aside the statutory abatement.

5. These applications are filed by GPA holder of the plaintiffs stating that, the defendant No.2 who died on 13.02.2022 leaving behind his legal heirs who are the opponents herein.

6. In the accompanying affidavits it is stated that, the defendant No.2 was died on 13.02.2022 leaving behind them as legal heirs. The death of defendant No.2 known to the plaintiffs recently. Hence, the GPA holder of plaintiffs has filed applications for bring the LRs of deceased defendant No.2 who are also got right over the plaint schedule property. Hence, prays for allow these applications.

7. After filing application, the notice has been issued to the LRs of defendant No.2, after service of said notice, the LRs of

defendant No.2 have not appeared before this court.

8. Perused materials available on record. It is noticed that, the plaintiffs have filed the suit against the defendants for the relief of declaration and permanent injunction with respect to the schedule properties. During pendency of the suit, the defendant No.2 was died leaving behind his LRs. Therefore, the sue of right is occurred against the LRs of the defendant No.2. Hence, the LRs of defendant No.2 are also necessary parties to the case. In the absence of his LRs, the matter could not be adjudicated effectively. Hence, the applications filed by the GPA holder of plaintiffs are deserves to be allowed. Hence, this court proceed to pass the following;

:ORDER:

I.A.No.VII to IX filed by the GPA holder of plaintiffs Under Order 22 Rule 4 R/w Section 151 of CPC, 22 Rule 9 R/w Section 151 of of CPC and under Section 5 of Limitation Act are respectively allowed.

For carrying out amendment and to file the amended plaint by: 15.10.2024.

**Senior Civil Judge and JMFC,
K.R.Nagar.**