

On perusal of entire order sheet, it appears that, L/C for the plaintiff has filed IA No.4 U/o 22 rule 4 of CPC seeking permission to bring the LRs of D-1 by name Jyothi.S.S on record.

L/C for the plaintiff also filed IA No.5 U/o 1 rule 10(2) of CPC.

Sri LVR Advocate filed vakalath for LRs of D-1 and also proposed defendant No.3 P.Manjegowda. Due to oversight and on the submissions of counsels it is noted that IA No.4 and 5 are already disposed off.

But order sheet dated 26/02/2021 reveals that, IA No.4 is filed U/o 1 rule 10(2) to implead the proposed defendant No.3 is allowed. But in reality IA No.4 is filed under order 22 rule 4 of CPC seeking permission to bring the LRs. But in the order sheet it is noted as, IA No.4 filed U/o 1 rule 10(2) of CPC is allowed. However, for both the parties Sri LVR advocate has filed the vakalath as such both LRs of D-1 and proposed defendant No.3 already came on record. Hence, it is considered as IA No.4 filed U/o 22 rule 4 of CPC and IA No.5 filed U/o 1 rule 10(2) of CPC are allowed in the interest of justice.

L/C for the plaintiff has amended the plaint by inserting the proposed defendant No.3 in the plaint. But, the LRs of D-1 is not amended in the plaint. Even the amendment plaint is also not filed.

Hence, office is directed to note the death of D-1 and his LRs in the plaint as mentioned in the IA No.4.

The amendment plaint is taken as not filed.

For W/S of D-3 and W/S of D-1(a) by 30/05/2022.

Sr CJ and JMFC.,
K.R.Nagar.