

**: ORDERS ON I.A.No.XII & XIII**

The plaintiff No.2 has filed I.A.No.XII Under Order 22 Rule 4 R/w Section 151 of CPC seeking to bring the L.Rs of the defendant No.7 on record.

2. I.A.No.XIII is filed by the plaintiff No.2 Under Order 22 Rule 9 R/w Section 151 of CPC and prays for set aside the statutory abatement against defendant No.7.

3. These applications are filed by the plaintiff No.2 stating that, the defendant No.7 who died on 19.12.2023 leaving behind his legal heirs who are the opponents herein.

4. In the accompanying affidavits it is stated that, the defendant No.7 was died on 19.12.2023 leaving behind the opponents as legal heirs and successors to succeed to his estate. Hence, prays for allow these applications.

5. After filing application, the notice has been issued to the LRs of defendant No.7, after service of said notice, the LRs of defendant No.7 have not appeared before this court.

6. Perused materials available on record. It is noticed that, the plaintiffs have filed the suit against the defendants for the relief of partition and separate

possession with respect to the schedule properties. During pendency of the suit, the defendant No.7 was died leaving behind his LRs. Therefore, the sue of right is occurred against the LRs of the defendant No.7 and they have also got right over the share of the deceased defendant No.7. Hence, the LRs of defendant No.7 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 plaintiff No.2 are deserves to be allowed. Hence, this court proceed to pass the following;

**:ORDER:**

I.A.No.XII and XIII filed by the plaintiff No.2 Under Order 22 Rule 4 R/w Section 151 of CPC and Under Order 22 Rule 9 R/w Section 151 of CPC are respectively allowed.

Looking into the relationship between the parties, no order as to cost.

For carrying out amendment and to file the amended plaint by: 09.09.2024.

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