

ORDERS ON I.A.No.IV & V

The plaintiff has filed I.A.No.IV Under Order 22 Rule 9 of CPC and prays for set aside the statutory abatement against defendant No.8.

2. I.A.No.V is filed by the plaintiff Under Order 22 Rule 4 of CPC seeking to bring the L.Rs of the defendant No.8 on record.

3. These applications are filed by the plaintiff stating that, the defendant No.8 who died leaving behind her legal heirs who are the opponents herein.

4. In the accompanying affidavits it is stated that, the defendant No.8 was died leaving behind the opponents as legal heirs and successors to succeed to her estate. Hence, prays for allow these applications.

5. After filing application, the notice has been issued to the LRs of defendant No.8, after service of said notice, the LRs of defendant No.8 have not appeared before this court except defendant No.8(b). The counsel for defendant No.8(b) submits that, no objection to allow the application.

6. Perused materials available on record. It is noticed that, the plaintiff has 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.8 was died leaving behind her LRs. Therefore, the sue of right is occurred against the LRs of the defendant No.8 and they have also got right over the share of the deceased defendant No.8. Hence, the LRs of defendant No.8 are also necessary parties to the case. In the absence of her LRs, the matter could not be adjudicated effectively. Hence, the applications filed by the plaintiff are deserves to be allowed. Hence, this court proceed to pass the following;

:ORDER:

The I.A.No.IV and V filed by the plaintiff Under Order 22 Rule 4 of CPC and Under Order 22 Rule 9 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 and objection to IA No.VI by: 19.12.2024.

**Sr. Civil Judge & JMFC,
K.R.Nagar.**