

Case called.

2. The respondents are absent. Hence, objection to IA No.IV taken as not filed.

3. Perused IA No.IV, it appears that, the counsel for appellant has filed I.A.No.IV Under Order 22 Rule 3 of CPC seeking to bring the L.Rs of the respondent No.2 on record.

4. The application is filed by the counsel for appellant stating that, the respondent No.2 who died on 24.01.2025 leaving behind his legal heirs.

5. In the accompanying affidavit it is stated that, the respondent No.2 was died on 24.01.2025 leaving behind his legal heirs. The presence of legal representatives of the deceased respondent No.2 in the appeal is absolutely required for effective adjudication of the present appeal. If the application is allowed no hardship or injury will be caused to the other side. Per contra, if the application is not allowed, the applicants will be put to untold hardship and injury. They have got good case on merits. Therefore, prays for allow the application.

6. On the other hand, the respondents have not filed objection to the application.

7. Perused the record. The appellant/ plaintiff preferred an appeal against the judgment and decree in OS No.276/2015 passed by the learned Addl. Civil Judge and

JMFC, K.R.Nagar. The appellant has filed the suit against the respondent No.1 and deceased respondent No.2/defendants for the relief of declaration and permanent injunction. During pendency of the appeal, the respondent No.2 was reported dead leaving behind the applicants as his legal heirs. The right of sue is accrued against the LRs of the deceased respondent No.2.

8. Further there is no dispute that the applicants are the legal heirs of the respondent No.2. No doubt, the appellant has filed application after prescribed period. Further, the fact of lawful possession by the parties is a matter of adjudication. Thereby, no prejudice will be caused to the legal heirs of respondent No.2. If the application is rejected, it may lead multiplicity of proceedings. Hence, the application filed by the appellant is deserves to be allowed. Hence, this court proceed to pass the following;

:ORDER:

The I.A.No.IV filed by the counsel for the appellant Under Order 22 Rule 3 of CPC is allowed.

For carrying out amendment and to file amended memorandum of appeal by: 30.07.2025.

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