

COMMON ORDERS ON IA No.I to III
FILED BY THE APPLICANT

The Applicant has filed 3 I.A.s. The IA No.I under Order XXII rule 9 of CPC and prays to set aside the abatement order against the deceased plaintiff, I.A.No.II i.e. U/sec.5 of Limitation Act R/w.Sec.151 of CPC and prays to condone the delay if any in filing the L.Rs. Application and IA No.III under Order XXII rule 3 R/w.Sec.151 of CPC and prayed to permit the L.Rs. of deceased plaintiff i.e., P1(a) to P1(c) to come on record

I,As. Copies served to the other side. The counsel for the defendants submitted no objections to IA No.I to III.

Heard on both sides.

Perused the applications and also supportive affidavits and also other materials available on record. I am satisfied on the grounds urged in the I.A.No.I to III and it is necessary to bring the legal representatives of the deceased plaintiff on record to adjudicate the matter effective. Moreover, the right to sue survives in favour of the legal representatives of deceased plaintiff. In the present case, the cause of action also survives for legal representatives of deceased plaintiff. Therefore, I am of the view that the applications filed by the

applicant are hereby and made out sufficient grounds to allow the applications. Hence, I proceed to pass the following

ORDER

The IA No.I to III filed by the applicant are hereby allowed.

Abatement order against the plaintiff is hereby set aside. The L.Rs. of deceased plaintiff i.e., P1(a) to P1(c) are permitted to come on record.

The plaintiff is hereby by directed to carry out the necessary amendment in the original plaint and to furnish amended plaint.

For compliance by

I ACJ., & JMFC., Nanjangud