

COMMON ORDERS ON IA No.IV to VI
FILED BY THE APPLICANT

The Applicant has filed 3 I.A.s. The IA No.IV under Order XXII rule 9 of CPC and prays to set aside the abatement order against the deceased defendant No.2, IA No.V 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 U/o.XXII rule 4 of CPC and prayed to permit the L.Rs. of deceased defendant No.2 to come on record.

Heard and perused.

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.IV to VI and it is necessary to bring the legal representatives of the deceased defendant No.2 on record to adjudicate the matter effective. Moreover, the right to sue survives in favour of the legal

representatives of deceased defendant No.2. In the present case, the cause of action also survives for legal representatives of deceased defendant No.2. 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.IV to VI filed by the applicant are hereby allowed.

Abatement order against the deceased defendant No.2 is hereby set aside. The L.Rs. of deceased defendant No.2(a & b) are permitted to come on record.

The applicant 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

The learned Counsel for the plaintiff filed I.A.No. VII Under Order 32 rule 3 of C.P.C.,

Perused the plaint averments, I.A., affidavit and documents placed on record.

The plaintiff has filed this present suit for declaration and mandatory injunction against the defendants in respect of the suit schedule property.

I.A.No.VII filed Under Order 32 rule 3 of C.P.C., for appointing defendant No.2(a) the mother of defendant No.2(b) as minor guardian to defendant No.2(b).

The plaintiff also sworn to the affidavit annexed with I.A.No.I stating that the defendant No.2(a) is the mother of defendant No.2(b). As the defendant No.2 is minor her natural guardian ie., mother by name Manjula i.e., defendant No.2(a) has to be appointed as minor guardian to defendant No.2(b). It is necessary to appoint a natural guardian of defendant No.2(b) i.e., her mother defendant No.2(a) in the interest of minor in the present suit and also contest the suit. Hence, I proceed to pass the following

ORDER

IA No.VII filed U/o.32 Rule 3 of C.P.C filed by the plaintiff is hereby allowed.

The mother of defendant No.2(b) by name Manjula i.e., defendant No.2(a) is hereby appointed as minor guardian to defendant No.2(b).

Issue notice to defendant No.2(a). Call on:

I Addl. Civil Judge & JMFC.,
Nanjanagudu

