

**ORDERS ON IA No.II**  
**FILED BY THE plaintiff**

The plaintiff has filed IA No.II under Order XXII rule 4 R/w.Order XXII Rule 9 of CPC R/w.Sec.5 of Limitation Act and prays to set aside the abatement order against the deceased defendant No.10, to condone the delay if any in filing the L.Rs. Application and prayed to permit the L.Rs. of deceased defendant No.10 to come on record

I,As. Copies served to the other side. The counsel for the defendants did not file objections to IA No.II. Hence, objections taken as not filed.

Heard on both sides.

Perused the application and also supportive affidavit and also other materials available on record. I am satisfied on the grounds urged in the I.A.No.II and it is necessary to bring the legal representatives of the deceased defendant No.10 on record to adjudicate the matter effective. Moreover, the right to sue survives in favour of the legal representatives of deceased defendant No.10. In the present case, the cause of action also survives for legal representatives of deceased defendant No.10. Therefore, I am of the view that

the application filed by the plaintiff is hereby and made out sufficient grounds to allow the application. Hence, I proceed to pass the following

**ORDER**

The IA No.II filed by the plaintiff is hereby allowed.

Abatement order against the defendant No.10 is hereby set aside. The L.Rs. of deceased defendant No.10 i.e., defendant No.10(a) to (e) 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**