

COMMON ORDERS ON IA No.XV & XVI
FILED BY THE APPLICANT

The Applicant has filed 2 I.A.s. IA No.XV Under order XXII rule 9 of CPC and prays to set aside the abatement order against the deceased defendant No.1 and IA No.XVI under Order XXII rule 4 of CPC and prayed to permit the L.Rs. of deceased defendant No.1 i.e., D1(a) to D1(e) to come on record.

Counsel for defendant No.1(a), (c) to (e) submitted no objections to IA No.XV & XVI.

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.XV & XVI and it is necessary to bring the legal representatives of the deceased defendant No.1 on record to adjudicate the matter effective. Moreover, the right to sue survives in favour of the legal representatives of deceased defendant No.1. In the present case, the cause of action also survives for legal representatives of deceased defendant No.1. 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.XV & XVI filed by the applicant are hereby allowed.

Abatement order against the defendant No.1 is hereby set aside. The L.Rs. of deceased defendant No.1 i.e., D1(a) to D1(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