

**ORDERS ON I.A.NO.5**

The plaintiff has filed IA.No.5 under Order 22 Rule 4 of C.P.C seeking to bring on record the LRs of deceased defendant No.1 in the present case.

2. In the affidavit accompanying the said application sworn in by the plaintiff it is submitted that, the plaintiff had filed a suit against the defendants for the relief of declaration and Permanent Injunction wherein during the pendency of the above suit the defendant No.1 died on 05.01.2023 leaving behind his LRs. As such, it is necessary to bring the LRs of deceased defendant No.1 on record. Hence, prayed to allow the present application.

3. After due service of notice on IA.No.5 the LRs of deceased defendant No.1 represented through their counsel and submitted no objection to allow the said application.

4. Since the suit filed by the plaintiff against the defendants for the relief of

declaration and Permanent Injunction in respect of the suit schedule property wherein the rights of the defendant No.1 is also involved and since the cause of action survives as against the LRs of deceased defendant No.1 it is necessary to bring them on record. As in the absence of said persons no effective order can be passed by this court. In view of the same, I proceed to pass the following ;

**ORDER**

The I.A.No.5 filed by the plaintiff under Order 22 Rule 4 of C.P.C is hereby allowed.

**Civil Judge & JMFC.,  
T. Narasipura.**

The plaintiff is hereby directed to carry out necessary amendment and to file amended plaint by : 14.07.2023.

**Civil Judge & JMFC.,  
T. Narasipura.**