

COMMON ORDERS ON INTERIM APPLICATIONS
ON I.A NO.8 to 10

The applicant/plaintiff has filed three applications U/s 5 of the Limitation Act, under Order 22 Rule 9 r/w Sec.151 of C.P.C. and also filed another application under Order 22 Rule 3 and 4 r/w Sec.151 of CPC with a prayer to condone the delay in bringing the legal heirs application and to set aside the abatement order if passed and to permit to bring the legal heirs of the deceased defendant No.3 on record as sought in these applications.

Perused the said applications.

Notice served to the proposed Lrs of defendant No.3 but not appear before this court. Hence, the objection has taken as Nil.

Heard and perused the materials on record.

As stated by the applicant/plaintiff, the defendant No.3 has been reported to be demised. Hence, in order to prosecute the matter further, the plaintiff intends to place the legal representative of defendant No.3 on the record as the legal representative on record. However, the defendant No.3 Lrs have not appear before the court and objection of the above said applications taken as Nil and the presence of legal representatives for adjudication of the present matter is to be considered. Hence, considering all these facts on record and in order to avoid multiplicity of proceedings, the application deserves to be allowed. Hence, this court proceeds to pass the following:

ORDER

The applications U/s 5 of the Limitation Act, under Order 22 Rule 9 r/w Sec.151 of C.P.C. and also filed another application under Order 22 Rule 3 and 4 r/w Sec.151 of CPC filed by applicant/plaintiff is hereby allowed.

Consequently, the defendant No.3(a) to (d) is placed on record to proceed with the suit as the legal representative of defendant No.3.

For amendment and for amended petition, the plaintiff is directed to appear before the CMO and comply the required procedure of amendment and furnish amended plaint and office to verify the same and put up before the court and also the plaintiff is directed to take steps to bring the said Lrs of defendant No.3(a) to (d) on record.

Issue summons to Lrs of defendant No.3(a) to (d) if P.F paid by 21.08.2025

I A.C.J. & JMFC, Kanakapura.