

Orders on LR applications

The counsel for the Plaintiff has filed IA under Order XXII Rule 4 r/w Sec. 151 of CPC, IA under Order XXII Rule 9 r/w Sec. 151 of CPC and IA under Sec.5 of Limitation Act with a prayer to bring the LR's of the deceased Defendant No.3 on record.

2. The Plaintiff has sworn to affidavits in support of the present applications.

3. It is seen that, in pursuance of service of notice, the LRs of Defendant No.3 have failed to appear and file their objections to the present applications.

4. Heard the learned counsel for the Plaintiff on I.As and perused the records.

5. I have gone through the contents of the affidavits annexed to I.As and the applications and also the other materials on record. The present suit being one for the recovery of money, un-disputedly the right to sue survives against all the LR's of the deceased Defendant No.3 and they are the necessary parties to the suit and as such, they must be impleaded as parties to the suit.

6. It is a well settled position of law that, in a suit for partition, cause of action survives even in the event of death of any of the party/parties to the suit. Hence, in order to adjudicate the

matter in dispute between the parties effectively and completely, I proceed to pass the following:-

ORDER

I.A under Order XXII Rule 4 r/w Sec. 151 of CPC, IA under Order XXII Rule 9 r/w Sec. 151 of CPC and IA under Sec.5 of Limitation Act filed by the Plaintiff are hereby allowed.

The Plaintiff is permitted to bring the LR's of the deceased the Defendant No.3 on record and further directed to amend the cause title of the Plaint and file amended plaint by 03.01.2023

Prl. Senior Civil Judge & CJM,
Ramanagara.