

ORDERS ON I.A

IA filed by the applicant/plaintiff U/o 22 R 3 r/w section 151 of CPC to permit them to come on record in the interest of justice.

LR's of the plaintiff

- 1(a). Santhosh Kumar S/o Late Siddaramu
- 1(b). Govindaraju S/o Late Siddaramu
- 1(c). Murthy .S S/o Late Siddaramu
- 1(d). Girish Kumar .S S/o Late Siddaramu

2. In the affidavit, the applicant has stated that they are the 1st LR of the plaintiff and swear on behalf of himself and other LR's. Further submitted that the plaintiff filed the suit for the relief of partition and separate possession and plaintiff died on 10.01.2019 and on 22.01.2020 plaintiff wife was died and there 1 (a) to 1 (d) LR's are the Legal representatives of plaintiff. If the application is not allowed, they we will be put to great loss and hardship. On the hand no

hardship would be caused to other side. Hence, prays to allow the application.

3. The defendant No.1(a) to (e) are filed objection to the application and contended that this is restored matter as per the orders passed in Mis 2/2013 wherein the LR's of the plaintiff have been brought on record. As per the version of the LR's of the plaintiff, the original plaintiff died on 10.01.2019 and his wife Smt. Padma died on 10.01.2019 and his wife Smt. Padma died on 22.01.2020, even though the LR's of the plaintiff in the absence of delay and abatement application, the present application can not be taken on file, on that score itself, the present application filed by the LR's of the plaintiff is liable to be dismissed. There is considerable delay in filing the LR's application, even though the LR's in the absence of two more necessary applications, they filed the present application, which is not maintainable and the same is liable to be dismissed. Hence prays to dismiss the application.

4. Heard and perused the documents placed on record.

5. The points that arise for consideration are

POINTS

1. Whether the applicants/ plaintiff has made out sufficient grounds to allow the application?
2. What order?

6. Heard both sides

7. Now my findings on the above points are as follows:-

Point No.1 : In the affirmative

Point No.2 : As per the final order

for the following:-

REASONS

8. **POINT NO.1:-** Perused the contents of the affidavit and considering the nature of the suit, there is no dispute with regard to proposed parties are the legal representatives of deceased plaintiff. Hence it is necessary to bring the LR's of plaintiff as parties to the suit for fair adjudication of the matter in dispute. Hence the applications filed by the LR's of plaintiff deserves to be allowed. Hence, I answer point No.1 in the affirmative.

9. **Point No.2** :- On above made discussion on Point No. I, I proceeds to pass the following :-

ORDER

I.A filed by the Applicants/LR's of plaintiff u/O 22 R 3 R/W Sec 151 of CPC is hereby allowed on cost of Rs.500/-

The plaintiff is directed to carry out necessary amendment in the plaint and furnish amendment copy of the same.

Call on 28.07.2023.

Addl. Civil Judge & JMFC,
Channapatna.

**Order pronounced in open court
(Vide Separate Order sheet)**

ORDER

Addl. Civil Judge & JMFC,
Channapatna.