

COMMON ORDERS ON I.A. NOS.7 TO 9

The plaintiffs have filed I.A No.7 U/o 22 Rule 4 of CPC, I.A.No.8 under Order 22 Rule 9 R/w Sec.151 of CPC and I.A.No.9 Under section 5 of Limitation Act with a prayer to bring the L.Rs of the deceased defendant No.9 on record by condoning the delay.

2. The LR's of deceased defendant No.9 are appeared through their counsel but not filed objections to I.A No.7 to 9.

3. The present applications are supported with the affidavits of the plaintiff No.1, wherein she deposed that, defendant No.9 was died during the pendency of this suit, hence it is just and necessary to bring the LRs of deceased defendant No.9 on record.

4. I have gone through the pleadings and the prayer sought under this suit by the plaintiffs. Since the plaintiffs have filed this suit against the defendants for the relief of partition and separate possession in respect of suit schedule properties as such an opportunity should be given to the plaintiffs to bring the LRS of deceased defendant No.9 on record for better adjudication of the subject matter and in order to avoid multiplicity

proceedings. By considering the nature of the suit, facts and circumstances of the case, it is not proper to deny the justice to the parties to the suit. More over it is trite that in a suit for partition every members of a joint family shall be brought on record for effective adjudication. Hence, this court has not found any reasons to reject these applications. Hence I proceed to pass the following;

ORDER

I.A. Nos.7 to 9 filed by the plaintiffs are hereby allowed on cost of Rs.100/- each payable to the Advocates Bar Association, Kanakapura.

The delay in filing the I.A No.7 and 8 is condoned and abatement of suit against defendant No.9 is set aside and L.Rs. of deceased defendant No.9 are brought on record as prayed for.

Plaintiffs are hereby directed to carry out amendment and shall furnish the amended plaint.

Call on 17.09.2024.

Sd/-
ACJ and JMFC,
Kanakapur.