

The Adv. for Plaintiff has filed I.A.3 U/o 22 Rule 4 R/w 151 of CPC, I.A.6 U/o 22 R 9 R/w 151 of CPC and IA No. 5 U/s 5 of Limitation Act seeking for bringing the LR's of defendant. In spite of service of notice of IA No. 3 to 5, the proposed D 1(a) to (f) did not appear before this court. Heard the plaintiff.

Perused I.A.3 to 5 and other materials available on record. This is suit for declaration of ownership and injunction. As such, I am of the opinion that, the right to be sued survives in favour of the defendant. Hence, I am of the opinion that IA No. 3 to 5 deserve to be allowed. Accordingly, IA No. 3 to 5 are allowed on cost of Rs.100/-.

The delay in filing application for setting aside the order of abatement against the defendant is condoned. The abatement against deceased defendant is hereby set aside. The plaintiff is permitted to bring the D1(a) to (f) on record.

The plaintiff is hereby directed to carry out the amendment to the cause title of the original plaint accordingly before the CMO.

For amended plaint. Upon furnishing the amendedment plaint, issue suit s/s to D 1(a) to (f).

Call on:28.06.2019.