

Orders on I.A under Order XXII Rule 4 R/w.Sec.151 of CPC,
Sec.5 of the Limitation Act and under XXII Rule 9 R/w. Sec.
151 of CPC

The counsel for the Plaintiffs has filed these applications seeking condonation of delay in filing these applications, to set aside the order of abatement of suit, if any, against the Defendant No.2 and to permit them to bring the LR's of the deceased Defendant No.2 on record.

There are affidavits sworn in support of these applications by the Plaintiff No.2 of the present case.

Despite service of notice, the LR's of the deceased Defendant No.2 have not filed any objections to the present applications.

Heard the counsel for the Plaintiffs.

Despite given opportunity, the Defendants have not made use of the opportunity either to file objections to the present applications or to put forth their arguments in respect of the same.

I have perused the materials on record.

Admittedly this is a suit filed by the Plaintiffs against the Defendants for the relief of Partition and Separate Possession. The Defendant No.2 is reported to be dead and the same is not denied by the other Defendants and though the LR's of the deceased Defendant No.2 have received the notice of the present applications,

they have not chosen to appear before this court. Hence there is no dispute with regard to the fact that they are the LR's of the deceased Defendant No.2 and that they are the necessary parties to the present suit. In their absence, the suit cannot be disposed off effectively. Hence I proceed to pass the following:-

ORDER

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

Consequently, the delay in filing these applications is condoned and the order of abatement of suit, as against the deceased Defendant No.2 is hereby set aside and the LR's of the deceased Defendant No.2 are permitted to be impleaded in the suit.

The Plaintiffs shall carry out amendment to the plaint and file amended plaint by:

PRL.SENIOR CIVIL JUDGE AND CJM,
RAMANAGARA.