

ORDERS ON IA NO.II TO IV

The plaintiff has filed I.A. II U/O XXII Rule 4 of R/w Sec.151 CPC, IA No.III under Order XXII Rule 9 R/w Sec.151 of CPC and IA No.IV U/Sec.5 of Limitation Act, to bring the L.Rs., of defendant No.1 on record by condoning the delay.

The brief averments of the affidavit filed in support of the applications are as follows:-

The plaintiff has filed suit against the defendant for the relief of permanent injunction with respect to suit schedule property. During the pendency of the case defendant No.1 died on 12.05.2020 leaving behind his children as his legal heirs. Hence, prays to allow the application.

Even though service of notice to the L.Rs., of defendant No.1 not appeared before the Court.

Heard arguments learned counsel for plaintiff.

The following points arises for my consideration.

- 1) Whether the plaintiff proves that, the applications filed by him deserves to be allowed ?
- 2) What order ?

I have answered above points in the following;

Point No.1 : In the Negative.

Point No.2 : As per final order for the following;

REASONS

Point No.1: The plaintiff has filed present applications to bring the legal heirs of defendant No.1 on record by condoning the delay.

I have carefully gone through the records, the plaintiff has filed suit against the defendants for the relief of permanent injunction stating the defendants are trying to interfere with the peaceful possession and enjoyment of the suit schedule properties by the plaintiff. It well settled principle that, to file suit for injunction there must be a cause of action when the defendants interfere the peaceful possession of plaintiff. On perusal of record it clearly shows that there is no cause of action against the LR's of defendant No.1. Therefore, the applications filed by the plaintiff is deserves to be reject as there is no cause of action against LR's of defendant No.1 . Accordingly , I answer point No.1 in the **Negative**.

Point No.2 :- For the above reasons, I proceed to the pass the following :-

ORDER

The applications filed by the plaintiff
U/O XXII Rule 4 R/w Sec.151 of CPC, under

Order XXII Rule 9 R/w Sec.151 of CPC and
Sec. 5 of Limitation Act, are hereby rejected.

**Prl. Civil Judge & JMFC,
Magadi.**