

ORDER ON I.A. No. 2

This is an application filed by the Lrs of plaintiff U/o XXII Rule 3 of C.P.C with a prayed to bring them on record as LR's of plaintiff to contest the matter.

Sri BSK Advocate for the defendant No.1,3 and 4 has filed objections to present application by stating that, present application is not maintainable as the same is not supported with application under section 5 of Limitation Act and prayed to dismiss the present I.A.

Heard arguments by both sides.

This is the suit for partition and separate possession filed by the plaintiff in respect of suit schedule properties. The defendant Nos. 1, 3 and 4 have appeared through their counsel but not filed their written statement. When, the case was posted for plaintiff's evidence, on 24-09-2019 the counsel for the plaintiff has filed present application reporting about the death of plaintiff. As per the contents of affidavit filed in support of this application, it is disclosed that, the plaintiff died on 25-06-2019 and the present application is filed on 24-09-2019, hence as per the date of death mentioned by the applicants in their affidavit, the present application is filed within time. It is pertinent to note that, the defendants have not set up their defense in the present case by filing their written statement. Hence no reasons to reject the present I.A, as such I proceed to pass the following;

ORDER

IA.No.2 filed U/O XXII Rule 3 of CPC by the applicants is hereby allowed.

No order as to cost.

The applicants shall amend the
plaint and furnish amended plaint.

Call on 06-02-2021.

Prl., Civil Judge and JMFC,
Gubbi.