

Order Sheet
In the court of Civil Judge and JMFC, Madhugiri
TUMKUR

F.R.No. : O.S./273/2015
Case Reg.No: O.S./273/2015

Plaintiff	Vs	Defendent
1)Narayanappa		1)Venkatappa

Nature of Case : PARTITION AND SEPERATE POSSESSION
Provision of Law : order 7 rule 1 and 3 cpc

Advocate for Plaintiff Sri/Smt : Lingaraju. S.C

Date of filing: 11-08-2015

Date of Registration: 11-08-2015

Relief :a. For partition and separate possession of suit schedule property with their metes and bounds to put to the plaintiff of his Legitimate half of 1 by 2 share against the Defendants.

b.For costs and such other reliefs

Plaintiff

IA 00001/2015 Sec151 CPC

This Honble court be pleased to call the case in the open court for consideration another application u/o 39 Rule 1 and 2 of c.p.c in the interest of justice.

IA 00002/2015 Order 39 Rule 1 and 2 CPC

The Honble Court be pleased to grant an Ex-Parte Ad-interim Order of Temporary Injunction restraining the Defendants, their agents, servants, and all others claiming under them alienating the suit schedule property till disposal of the suit in the ends of justice and equity.

Date of Filing: 11-08-2015

Date of Registration:

CAO/CMO

Relief :a. For partition
bounds to put to the

Register & putup/made over this case to the Pri Civil Judge and JMFC , Madhugiri court for disposal according to law.

Civil Judge and JMFC, Madhugiri

TUMKUR

Sr.No	Date	Proceedings
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The Honble Court be pleased to
restraining the Defendants
alienating the suit schedule property till disposal of the suit in the ends of justice and equity.

Date of Filing: 11-08-2015

Date of Registration:

CAO/CMO

Relief :a. For partition

bounds to put to the

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Date of Registration:

CAO/CMO

ORDER ON I.A. NO.VIII

The applicant has filed these interim applications No. VIII U/Order 22 Rule 4 r/w 151 of C.P.C. seeking before this Court to bring the opponents on record as L.Rs of the deceased Defendant.

2. In the annexed affidavit the applicant has submitted that, at the stage of cross examination of PW-1 defendant reported as dead. The opponent's are the only Legal heirs, except the opponent's, there is no other legal heir left behind by the deceased. Therefore, the right to sue survives on the opponent, and they are proper and necessary party to the suit. And morefully mentioned in the applications, Hence prayed to allow these applications.

3. After service of notice the opponents have not choose to filed Objection to the above said application.

4. Heard for the counsel of applicant and perused the materials placed on record before the court.

REASONS

5. **Point No. 1 :-** Admittedly these applications are filed the applicant to bring the legal heir of deceased Defendant on record, as the defendant died during the pendency of the suit leaving behind the opponent as her only legal heir. Admittedly the plaintiff as filed suit against defendants for the releaf of partition and separate

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25/11

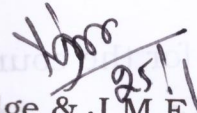
possession. It is further stated that the right to sue survives on the applicant, and opponents are the necessary and proper party to the suit. Moreover, the suit being a suit for Partition and separate possession in respect of suit schedule properties, the right to sue survives on the opponents as they are the only legal heir's, who proper and necessary party to this suit. Sufficient grounds have been made out by the applicant to allow the applications. Hence, order as follows:-

ORDER

I.A. No.VIII filed by the applicant U/Order 22 Rule 4 C.P.C. are hereby by allowed.

Call on amending of plaint
and for furnishing amended
plaint by : 03.02.2022

(Typed to my dictation by the Stenographer directly on computer, then corrected, printout taken, signed and then pronounced by me in the open court on this the 25th day of January 2022)


Addl. Civil Judge & J.M.F.C.
Madhugiri