

**IN THE COURT OF ADDL. CIVIL JUDGE AND JMFC,
PAVAGADA**

Dated this the 9th day of January, 2026

O.S.No.224/2019

Plaintiffs : Sri.Eranna and another

(By Sri.A.N., Advocate)

V/S

Defendants : Sri.Erappa
and others

**(Defendant No.1 and 4 Dead,
defendant No.2 and 3 placed
exparte, Lrs of defendant
No.5(b) to (e) by Sri.V.S,
Advocate, Lrs of Defendant
No.5(a) is absent)**

ORDERS

The counsel for plaintiffs filed IA No.9 under Order 22 Rule 2 and 4 of CPC seeking for permit the plaintiffs to bring the legal heirs of defendant No.5 as defendant No.5(a) to (e).

2. The counsel for plaintiffs filed IA No.10 under Order 22 Rule 9 of CPC seeking for an order of set aside the abatement passed against the legal heirs of defendant No.5 and prays to permit to bring them on record as Lrs defendant No.5(a) to (e).

3. The counsel for plaintiffs filed IA No.11 under Section 5 of Limitation Act seeking to condone the delay in filing IA.

4. In the affidavits accompanied with the applications the plaintiffs stated that the defendant No.5 was died on 31.03.2025 leaving behind the defendant No.5(a) to (e) and prays to allow the applications by set aside the order of abatement passed against defendant No.5 by condoning the delay and permit the plaintiffs to bring the Lrs of defendant No.5.

5. On going through the applications filed by the counsel for the plaintiffs it is clear that the defendant No.5 died leaving behind his legal heirs and the legal heirs are necessary to bring on record for proper adjudication of the suit. On the other hand counsel Sri.V.S, filed vakalath for defendant No.5(b) to (e) and submitted no objection to allow the applications and defendant No.5(a) remained absent. Hence it is just and proper to allow the applications. In the above facts and circumstances, I proceed to pass the following;

ORDER

The IA No.9 to 11 filed by the plaintiffs
under Order 22 Rule 2 and 4 of CPC, under

Order 22 Rule 9 of CPC, under Section 5 of Limitation Act is hereby allowed.

The plaintiffs are permitted to carry out the amendment. For amendment and amended plaint.

Sd/-
Addl. Civil Judge and JMFC,
Pavagada.