

15.1.2021  
Plff.by PNH  
D1&2 by SUZ  
D3 by RGN  
For Orders

The applicants have filed I A No IV seeking to bring them on record as the legal representatives of deceased plaintiff no 2. The applicant no 2 (b) has filed the affidavit in support of the application wherein it is stated that plaintiff no 2 is their mother and she died on 05.04.2020. The applicants have got right to proceed with the suit as there exists right to sue in their favour being the legal representatives of deceased plaintiff no 2 and sought for bringing them on record as the legal representatives of deceased petitioner.

The copy of the applications has been served on the counsel for the defendants and the counsel for the defendants submitted no objection to the application.

Heard the counsel for the petitioners. Perused the materials on record.

The plaintiffs have filed the present suit against the defendants seeking the relief of partition and separate possession. The plaintiff no 2 is reported dead and their exist right to sue in favour of legal representatives of deceased plaintiff no 2. In a suit for partition, the members of the

family are necessary parties in order to adjudicate the right and interest of the parties. The applicants, being the legal representatives of deceased plaintiff no 2, have got right to represent deceased plaintiff no 2. The suit does not appear to be adjudicated completely and effectively in the absence of legal representatives of deceased plaintiff no 2. The applicants are entitled to succeed to the estate of deceased plaintiff no 2 and right to sue exist in their favour. The suit involves determination and adjudication right and interest of the parties with respect to suit properties and as such, there exists right to sue in favour of the applicants. In order to completely and effectively adjudicate right of the parties in the schedule property, the applicants need to be brought on record. It may not be possible to adjudicate and determine the shares without bringing the applicants on record. Thus, the applicants have made out grounds for allowing the application. Hence, this court deems it appropriate to pass the following

### **ORDER**

I A IV filed by the applicants under Order XXII rule 3 of CPC is hereby allowed.

The applicants are permitted to come on record as the legal representatives of deceased plaintiff no 2 and are permitted to carry out necessary amendment to that effect.

Sd/-

**PRL CIVIL JUDGE, KUMTA**