

## **ORDER ON I A V**

The plaintiff filed I A No V seeking to bring the opponents on record as the legal representatives of deceased defendant no 1.

The opponents appeared through the counsel in response to the notice and submitted no objection to application.

Heard the counsel for the plaintiffs and opponents. Perused the materials on record.

The plaintiffs filed the present suit against the defendants seeking the relief of partition and separate possession. The defendant no 1 is reported dead and opponents are stated to be legal heirs of deceased defendant no 1. The said aspect is not disputed by opponents. 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 opponents, being the legal representatives of deceased defendant no 1, have got right to represent the estate of deceased defendant no 1. The suit does not appear to be adjudicated completely and effectively in the absence of legal representatives of deceased defendant no 1. The opponents appear to have right and interest in the subject matter of the suit and are entitled to succeed to the estate of deceased defendant no 1. 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 against the opponents. In order to completely and effectively adjudicate right of the parties in the schedule property, the opponents need to be brought on record. It may not be possible to adjudicate and determine the shares without bringing the opponents on record. Thus, the plaintiffs made out grounds for allowing the application. Hence, this court deems it appropriate to pass the following

**ORDER**

I A V filed by the applicants under Order XXII rule 4 of CPC is hereby allowed.

The plaintiffs are permitted to bring the legal representatives of deceased defendant no 1 on record and are permitted to carry out necessary amendment to that effect.

For amendment and amended plaint  
Call on 30.06.2022

sd/-

**PRL CIVIL JUDGE, KUMTA**

