

**COMMON ORDERS ON I.A.NO.XVI TO XVIII FILED BY  
PLAINTIFFS UNDER ORDER XXII RULE 4 AND XXII  
RULE 9 AND SECTIONS 94(E) AND 151 OF C.P.C., UNDER  
SECTION 5 OF LIMITAION ACT.**

These common orders arising out of an applications filed by plaintiffs with a prayer to bring the LRs of defendant No.14(a) to (i) by condoning the delay in filing the LRs application and by setting aside the abatement order if any.

2. In support of the applications, the first plaintiff sworn to an affidavit that the suit filed for partition wherein defendant No.14 died on 21-01-2022 leaving behind defendant No.14(a) to (I) as his wife and children to succeed his assets. Hence, prayed to allow the applications.

3. The said applications have not been resisted by the legal heirs.

4. Heard.

5. Perused the fact sworn to in the affidavits and the plaint averments wherein the present suit filed for the relief of

partition and the cause of action survives on the surviving legal heirs of defendant No.14 moreover, defendant No.14 died leaving behind his wife and children who succeeded to his estate and further applications have not been resisted by the defendants being the LRs of defendant No.14 in spite of service of notice and there is no resistance accordingly, in the existence of right to sue survives on them. Even though there is a delay as defendant No.14 died on 21-01-2022 and the applications filed on 20-06-2022 but delay can be compensated in terms of money. Accordingly, I proceed to pass the following:

### **COMMON ORDERS**

Applications filed by plaintiffs i.e., I.A.No.XVI to I.A.No.XVIII under Order XXII Rule 4 and XXII Rule 9 and Sections 94(e) and 151 of C.P.C., under Section 5 of Limitation Act, are hereby allowed.

The LRs of defendant No.14(a) to (i) are permitted to come on record as legal representatives by condoning the delay and also by setting aside the abatement order.

Cost will follow the result of the suit.

**(Smt. Shakunthala S.)**

Prl. Sr. Civil Judge and CJM.,  
Udupi.

For amendment by 26-07-2022.