

Heard. It can be seen from the records of the case that the plaintiff had filed I.A. under Order XXII Rule 4 of C.P.C. seeking permission to bring the Lrs of defendant No.1. Process memo came to be filed. Notice got issued on I.A. No.XIV to LR's of defendant No.1 i.e. defendant No.1(a) and 1(b) on 17.12.2025. There was await notice and it also disclosed that it was unserved due to the reason 'persons concerned left' i.e. defendant No.1(a) and 1(b). In the mean time on 21.01.2026 substituted services was carried out to issue notice to defendant No.1(a) and 1(b) by way of paper publication. Paper publication got carried out. None appeared and heard from the plaintiffs. So on perusal of the records of the case, the plaintiffs tried to bring the LR's of defendant No.1 i.e. defendant No.1(a) and 1(b) by way of normal process. Unfortunately their presence could not be secured. Later on the plaintiffs carried out substituted services, then also the defendant No.1(a) and 1(b) did not appear before the court. Therefore, there is no resistance to this application from any side. Hence an adverse inference can be drawn that the defendant No.1(a) and 1(b) are the legal heirs of deceased defendant No.1. Therefore, this court proceeds to pass the following :

ORDER

The I.A. No.XIV filed under Order XXII Rule 4 of C.P.C. to bring the LRs of defendant No.1 on record stands allowed.

The plaintiffs are directed to amend the cause title of the plaint by impleading the LRs of defendant No.1 i.e. defendant No.1(a) and 1(b) as stated in the application and amend wherever it is required and furnish fresh amended plaint by 29.06.2026.

(Santosh Srivastava)

Addl. Senior Civil Judge and A.C.J.M.,
Udupi.