

**Orders on I.A. No.XII**

Plaintiffs filed by the I.A.XII under Order XXII Rule 4 of CPC and requested to seek permission to bring the L.Rs. of defendant No.25(a) to (d).

2. Plaintiff No.2 by name Sushma filed the affidavit and stated that defendant No.25 namely Harinarayana Tantri died intestate in the month of February-2024 by leaving his wife and children, who are the proposed parties. The right of deceased is succeeded to the proposed parties. She requested to allow the application.

3. In the objections, proposed defendant No.25(a),(b) and (d) contended that the application filed by the plaintiffs is not maintainable. The plaintiffs narrated the names of 3<sup>rd</sup> and 4<sup>th</sup> opponents wrongly as 'Rajeshwari and Vijitha' instead of 'Rajalaxmi

and Roopa'. They admitted that the opponent No.1 is the widow, opponent No.2 is the son and Rajalaxmi and Roopa are the children of Harinarayana Tantri. The plaintiffs did not show the proper reasons to allow the application. They requested to reject the application.

4. The contention of plaintiff No.2 is defendant No.25 Harinarayana Tantri died intestate in the month of February-2024 by leaving his wife and children as his L.Rs. The proposed party No.1,2 and 4 did not dispute the death of Harinarayana Tantri and he died by leaving his wife and children. It clearly shows that Harinarayana Tantri died by leaving his wife and children. The further contention of plaintiff No.2 is proposed parties are the wife and children of Harinarayana Tantri. The contention of proposed party Nos.1,2 and 4 is plaintiffs wrongly mentioned the name of opponent No.3 and 4 as 'Rajalaxmi and Vijitha' instead of 'Rajalaxmi and Roopa'. But they did not deny the relationship of them with the deceased. This suit was filed for partition. In a suit for partition right of deceased co-sharer is surviving to his L.Rs. For that wife and children of deceased defendant No.25 is

necessary and proper parties to the suit. Hence, proceed to pass the following:

**ORDER**

I.A. No.XII filed by the plaintiffs under Order XXII Rule 4 of CPC is hereby allowed on cost of Rs.200/-.

Hereby permitted the plaintiffs to bring the L.Rs. of defendant No.25.

Hereby further directed the plaintiffs to correct the name of proposed party No.3 and 4 as contended by the proposed parties in objection.

To carry out amendment and to file amended plaint by 01-10-2024.

Prl. Sr. Civil Judge & C.J.M., Udupi.

