

ORDERS ON I.A.NO.VII

The application filed by the proposed plaintiff's under order XXII Rule 3(1) and Section 151 of CPC.

2. In the accompanying affidavit, applicant No.2 has stated that, the original plaintiff is her mother. She died on 24-02-2023. After the death of the plaintiff in the above suit the right to survives. She and her brother are legal heirs of Venkamma Poojarthi. With these averments the applicants has sought for allowing the application.

3. Heard and perused the materials on record.

4. Now, the following points arise for consideration of this Court are:

Point No.1: Whether the applicants have made out sufficient grounds?

Point No.2: Whether the right to sue survives to the LR's of the plaintiff ?

Point No.3: What Order ?

5. The findings of this Court on the above said points are as under:

Point No.1: In the Affirmative,

Point: No.2: In the Affirmative,

**Point No.3: As the for the final order
for the following:**

REASONS

6. Point No.1 and 2: The plaintiff has filed this suit for permanent Injunction. The plaintiff died intestate on 24.02.2023 leaving behind the applicant's as her only heirs and legal representatives. As per Article 120 of the Limitation Act, 90 days time limit for bringing the LR's of the deceased plaintiff or defendant from the date of death. The above application filed within time, there is no delay for bringing the LR's of deceased plaintiff. As per order XXII Rule 3, where a sole plaintiff dies and the right to sue survives, the Court on application made in that behalf will cause the legal representative of the deceased plaintiff to be made a party and shall proceed with the suit. In this case, plaintiff prays for permanent injunction against the defendants. After the death of the original plaintiff right to sue survives. To avoid multiplicity of litigation, it is necessary to bring the LR's of plaintiff to proceed with the suit. The applicants have made out sufficient grounds to allow the application there is no grounds to reject the application. Hence, this Court answered point No.1 and 2 in the affirmative.

7. Point No.3: For the aforesaid discussion on point No.1 and 2, this Court proceed to pass the following:

O R D E R

The I.A. No.VII filed by the applicants under Order XXII Rule 3(1) and Section 151 of CPC is hereby allowed.

No order as to cost.

The applicants No.1 and 2 are hereby brought on record as plaintiff No.1(a) and 1 (b).

For amendment and amended plaint

Call on 25-05-2023.

**Civil Judge & J.M.F.C.,
Bainduru.**