

ORDERS ON IA NO. 3 to 5

The plaintiff has filed I.A No 3 U.O 22 rule 4 of the CPC and I.A No.4 Under. O 22 rule 9 of CPC and I.A No. 5 under Section 5 of limitation Act and prays to implead the legal heirs of defendant No.6 on record.

2. In pursuance of service of notice the the defendant No.6(a) to (c) have appear before this court through their counsel. But not filed objection.

3. Heard from both side.

4. It is the contention of plaintiff that defendant No.6 died on 30.05.2023. In support of the application the plaintiff filed the copy of death certificate. On perusal of the death certificate Thimmanna died on 30.05.2023. The plaintiff filed this suit against the defendants for declaration and injunction. There is no material on record to disbelieve the contention taken by the plaintiff. Hence, legal

heirs of defendant No.6 become necessary parties, in their absence the court cannot proceed further in the matter. Moreover, the right to sue survive on the legal heirs of the deceased defendant No.6. Therefore, it is just and proper to condone the delay in filing these applications and to implead the legal heirs of deceased defendant No.6 as parties to this suit by setting aside the abatement order. By considering the all these aspects, this court proceed to pass the following:

ORDER

The IA.No. 3 to 5 filed by the plaintiff U/O.XXII R.4 of CPC, U/O.XXII R.9 of CPC and U. Sec.5 of Limitation Act are hereby allowed.

Thereby the delay in filing these applications is hereby condoned. The abatement order is hereby set aside.

The plaintiff is directed to implead the legal heirs of deceased defendant No.6 as defendant No.6(a) to 6(c) to this suit by suitably amending the cause title of the

plaint. To carry out amendment and
to file amended plaint call on

Sr. Civil Judge & JMFC.,
Hlriyur