

COURT OF MUNSIF, BALLIA, BEGUSARAI.

TITLE SUIT NO. 75 of 2003

Reg. No. 75 of 2003

Sakuntla Devi and others Plaintiff

Versus

Sulekha Devi and OthersDefendants

Ld. Counsel for Plaintiff – Sri. Jitendra Kumar

Ld. Counsel for Defendant – Sri Ajay Kumar

Sl. No.	Date of order of proceeding	FORM OF ORDER SHEET	Office action taken with date
	18.10.2024	Both parties are present. Record is put before me for order on petition dated 22.03.2024 filed by defendant in the suit. Plaintiff has replied by way of rejoinder dated 07.05.2024 The learned counsel for defendant submits that defendant no. 9J to 9 L are minor defendants in suit but no step under order -32, rule – 3 of the C.P.C. has been taken by the plaintiffs up till now which is mandatory procedures and the entire proceedings of this suit done in the absence of proper representation of the above mentioned minors became non - eyst in the eye of law. He further submits that under the facts and circumstances as stated above , it is therefore prayed that pass an order regarding the non – representation of the minor defendants in suit. Ld. Counsel for opposed this petition and submits that this petition is not maintainable either in law or on facts .He further submits that the intervener defendant no -9 Tara Devi has been died in the year 2010 and plaintiff filed substitution petition after allow the substitution petition , plaintiffs taken all process against the legal heirs of defendants no. 9 for appearance ,but no appear legal heirs of defendants no.9 ultimately ld. Court be proceed the suit when the legal heirs of defendant no.9 contest the suit why she old-day. He further submits that it is also duty of the guardian of minor to file application under order -32 of the C.P.C. He further submits that defendant no.9 Tara Devi already been sold her disputed land in her life time in favour of her daughter Daibati Devi in the Year 2010. He further submits that it is therefore prayed that the petition filed by the defendant on 22.03.2024. is fit to be rejected. Heard and perused the case record, it appears that	

defendant no.9 legal heirs are not substituted by the plaintiffs hence plaintiff is directed to substitute the defendant no .9 legal heirs as per law .Hence the petition of defendant no.09 is allowed regarding the non-representation of the minor defendants in suit and plaintiff is directed to substitute the necessary defendant of this suit. Put up 22.11.2024 the record for further process .

(Dictated)

K. S. Kumar

Munsif

Ballia, Begusarai.

Date-18.10.2024