

Present- Sri Satyajit Das
Civil Judge(Sr. Div), Court No.2,
West Tripura, Agartala

Case No. TS (P) 145 of 2022

28/06/2024

Today this suit is fixed for filing of W/O by the defendant against the application filed under Order XXXII Rule 3 of CPC.

Ld. Counsel Mr. Dipak Deb for the plaintiffs is present by filing his memo of appearance.

Ld. Counsel Mrs. Somdatta Majumder for the defendant nos. 2 and 6 to 14 is also present by filing hazira.

Heard Ld. Counsels of both the sides.

During hearing Ld. Counsel of the defendants submitted that if the defendant No. 2 has no objection if he is appointed as guardian for defendant Nos. 3 and 4 for representing them in this suit. Ld. Counsel further submitted that after the death of Rakesh Das i.e. the father of defendant nos. 3 & 4 their mother remarried with one Sujit Paul leaving behind the aforesaid minors and since then the defendant nos. 3 & 4 used to live with their paternal grandmother i.e. the defendant No.1. But unfortunately the defendant no.1 expired on 02.04.2023 and presently, the defendant Nos. 3 & 4 are under the care and custody of defendant no.2, who is their paternal uncle and present guardian.

On perusal of the case record it reveals that the present suit is relating with the ancestral property and the defendant No.2 has similar interest that of the defendant nos. 3 & 4. The defendant No.2 is the paternal uncle of the defendant Nos. 3 and 4 who are minor. It further appears that the father the defendant

No. 3 & 4 died and after his death their mother left them remarried with another person.

In view of the above facts and circumstances, I am of the opinion that the defendant No.2 may be appointed as guardian of defendant Nos. 3 and 4 who are minors.

Accordingly, in exercise of power provided under Rule 3 of Order XXXII defendant No.2 namely Rajesh Das is hereby appointed as guardian of the defendant Nos. 3 and 4 only to represent them in this suit.

It is hereby clarified that by this appointment of guardian, no authority is vested upon the defendant No.2 to transfer/alienate in any way property of the defendant Nos. 3 and 4.

The defendant No.2 is only appointed as guardian in this suit to take all the steps for the defendant Nos. 3 and 4 in this suit.

Next date be fixed for hearing the parties under Order X read with section 89 of CPC in person.

Parties are accordingly directed to remain present before this Court on the next date in person.

Fix **23-08-2024** for hearing the parties under Order X read with section 89 of CPC in person.

As dictated

28/06/2024