

**EX CIVIL 184/21**  
**RAVI KHUNTETA Vs. SANJAY RANA**

11.07.2025

Present: Sh. Aman Mehta, Ld. Counsel for DH.  
Sh. Naval Kantsa, Ld. Counsel with Objector Rajiv Rana.

**Application under Order 32 Rule 3(1) read with Section 151 of CPC.**

There is an application by the Uncle of the 2 minor children claiming to be appointed as next friend and guardian of the said 2 children for the purposes of the present proceedings. Although, it further states that the real purpose is to enter into a compromise on behalf of the children. However, the intent is clear that the Uncle i.e. brother of the deceased father of the minor children wants to represent them as a next friend and guardian in the present case. The Grandmother of the children is also a party to the present litigation. She has moved an objection claiming that she is illiterate and even she wants to appear through her son Rajiv Rana, who is the applicant in the present application.

Ld. Counsel for applicant Rajiv Rana has pointed out that a decree has already been passed by the Guardianship Court on 12.03.2021, appointing Sh. Rajiv Rana as the guardian of the children and their custody has also been given to him.

During the course of arguments, Ld. Counsel for the objector/applicant Rajiv Rana has submitted that the children of the deceased have not gotten any share in the agricultural land. He has claimed that the consent/compromise decree, relied upon by the counsel for DH, which was passed in suit no. 141/09 by Ms. R. Kiran Nath, the then Ld. ADJ, was never executed and therefore,

no share in the said agricultural land ever came in the hands of the minor children or the deceased.

Ld. Counsel for the DH has, on the other hand, taken me through the contents of the said decree, copy of which has been placed as page 43 to page 47. The said decree was passed on the basis of an application under Order 23 Rule 3 of CPC, which was made part of the decree by the court as Ex.C-1. The para (II) of the said application being relevant is quoted for ease of reference:

*II. In respect of the entire undivided ancestral agricultural land which is being held by the Defendant No.1 and his brothers alongwith other coparceners viz. Shri Dharam Singh S/o late Shri Uday Singh, Shri Rakesh & Shri Ramesh both S/o late Om Prakash, Shri Bhagwan Singh S/o late Shri uday Singh, Smt. Katari wife of Shri Bhagwan Singh, Smt. Meshwar wife of Shri Dharam Singh, it is hereby agreed to and undertaken by the Defendant No.1, the Plaintiff will be entitled to his due legal share from the share coming to Defendant No.1 exclusively in the event of partition of the joint ancestral agricultural land situated in Shyalapur, Tehsil Kapashera, Village Bijwasan, New Delhi. Plaintiff shall have no right or claim in any other agricultural land which has been acquired or may be acquired by Defendant No.1*

The said suit was between the deceased JD (plaintiff in that suit) and his father (defendant in that suit).

The application claims that the agricultural land was ancestral and that the deceased was a coparcener through his father and that the father of the deceased JD had acknowledged his share in the said property and assured that as and when a partition took

place between the brothers, he will give a share to his son i.e. deceased JD in the present case.

The claim of the uncle of the children of the deceased, that they got no interest in the suit property, cannot be accepted at its face value. Rather it shows that the interest of the said applicant is in conflict with the minor children. If the acknowledgment in the application under Order 23 Rule 3 of CPC is taken as an admission by the father of the deceased JD, then on his death his children i.e. now the LRs no. 2 and 3 would have been entitled to a portion in his share, since the deceased died intestate, leaving behind a woman Class I legal heir i.e. his mother. In these circumstances, the application of Sh. Rajiv Rana to be impleaded as next friend or guardian is hereby dismissed. Court would have to consider appointing a guardian ad litem in the facts and circumstances of the present case.

List the objections for arguments on **29.08.2025**

**(HARJYOT SINGH BHALLA)**  
**DJ-03, SOUTH-WEST, DWARKA**  
**NEW DELHI/11.07.2025**