

ORDERS ON I.A.No.II

The instant application is filed by the natural guardian and mother of the petitioner Under Order 32 Rule 15 R/w Sec.151 of CPC to appoint her as natural guardian of the petitioner and permit her to prosecute the petition on behalf of the petitioner.

2. In the accompanying affidavit the applicant / mother of the petitioner has stated that, her son has filed the above petition against respondents for claiming compensation due to injuries sustained by him in R.T.A. and due to accidental injuries he has lost his partial memory power and cannot speak properly and hence prays to allow the application.

3. Heard on application.

4. The Points that would arise for my consideration are as under:

1. Whether, the applicant / mother of the petitioner has made out sufficient grounds to appoint her as a next friend / guardian of the petitioner?

2. What Order?

5. My findings to the above Points are as under;

Point No.1 : In the Affirmative,
Point No.2 : As per the final order,
for the following:

REASONS

6. **Point No.1:** The above claim Petition is filed by the Petitioner U/sec.166 of M.V. Act, for claiming compensation due to injuries sustained by him in a R.T.A.

7. The present application is filed by the mother of the petitioner seeking appoint her as a next friend to the petitioner, since the petitioner has lost partial memory power due to accidental injuries and he cannot speak properly. In this regard, the applicant has examined doctor by name Dr.Sreedhara K.C. Consultant, Neuro Physician & Rehabilitation Centre, previously worked at NIMHANS, Bengaluru as PW.1 and got marked Ex.P1 to 3. PW.1 in his chief examination by way of affidavit has stated that, petitioner is having 14-19 Severe disability at 71.99% and 20 Profound disability at 100% and that of to the whole body disability @ 33.3%. On perusal of Ex.P2 Mental status examination report it appears that, the petitioner was not cooperative and was not able to comprehend the test instructions adequately. On the basis of evidence of doctor and Ex.P2 it can be held that the petitioner is Neurologically deficit, hence it is necessary to appoint a guardian to him. The present applicant is mother of the petitioner and she has no adverse interest against petitioner. Being natural mother of the petitioner she can protect the interest of the petitioner in this case. Therefore, I am of the

opinion that the applicant has made out sufficient grounds to appoint as guardian to the petitioner. Accordingly, I have answered Point No.1 in the Affirmative.

8. **Point No.2**: for the above made discussions, I proceed to pass the following:

ORDER

I.A.No.II filed by the applicant / mother of the petitioner Under Order 32 Rule 15 R/w Sec.151 of CPC is hereby allowed.

Applicant by name Smt. Modduramma is permitted to conduct the case as Next friend / Guardian of the petitioner.

For petitioner's evidence.

Call on 06-03-2026

(DHANESH MUGALI)
III ADDL.SMALL CAUSES JUDGE,
MEMBER MACT & ACJM,
BENGALURU.