

KABG040006482011



ORDERS ON No.15

The plaintiff has filed the present application U/O XXXII R.3(3) R/w sec.151 of C.P.C and there by prayed to amend the plaint.

2. The plaintiff has sworn to the facts in the affidavit filed along with the present application that the defendant No.2 is died and his legal representatives are brought on record. The defendant No.2a is the natural guardian of defendant No.2b and 2c and her interest is adverse to that of the defendant No.2b and 2c. The defendant No.2a is the fir person to appoint as guardian as the defendant No.2b and 2c are minors. To prosecute the matter it is just and necessary to appoint defendant No.2as as guardian. If this application is allowed no prejudice will cause to the other side on the other hand the plaintiff will be put to irreparable loss. On these grounds prayed to allow this application.

3. Though sufficient opportunities are given to the defendants to file objection to the present application, the defendants did not file objection. Hence objection to the present application, taken as not filed.

4. Heard the learned counsel for the plaintiff. Perused the documents on record..

5. The plaintiff has filed present application with a prayer to appoint defendant No.2a as guardian to defendant No.2b and 2c. On perusal of IA No.12 that is the application filed by the plaintiff to bring the legal representatives of the deceased defendant No.2 it is noticed that defendant No.2b and 2c are minors. When a suit is filed against a minor it a guardian as to be appointed. As the defendant o.1a is the natural guardian o0f defendant No.2b and 2c no grounds are made out to reject the application of the plaintiff. Accordingly this court proceed to pass the following

ORDER

IA No.15 filed by the plaintiff is hereby allowed .

The defendant No.2a is appointed as guardian of defendant No.2b and 2c.

No reason as to cost.

For amendment and amended plaint.

O.S.No.1662/11

Call on 21.03.2022

Sd/-

(Smt.Vinutha.B.S.)

C/c III Addl.C.J.and J.M.F.C.Belagavi.