

KABG310032262025



IN THE COURT OF I ADDL. CIVIL JUDGE AND J.M.F.C,
AT: BAILHONGAL

:Present:

Shri. Basavaraja Thulasappa Nayaka.,
LL.M.

I Addl. Civil Judge and JMFC, Bailhongal

Dated this 15th day of April 2026

OS No.362/2025

1. Shri. Shashi Vittal Bagale

..... Plaintiff/Applicant

(By Shri. JSH, Advocate)

V/s

1. Shri. Ravi Vittal Bagale and others

..... Defendants/Opponents

(D:1 By Shri. RUT, Advocate)

(D:2 Exparte)

1.	Date of filing of the IA No.I	27.01.2026
2.	Date of filing of objection	Nil
3.	Date of order	15.04.2026

ORDER ON IA No.I

The plaintiff has filed present application U/o 32 rule 3 of CPC seeking appointment of Court Guardian to the minor defendant No.3.

2. The plaintiff filed affidavit along with application contended that, he has filed the present suit seeking partition and separate possession against the defendants. The defendant No.3 is minor aged about 8 years. The natural mother of the defendant No.3 is defendant No.2. The defendant No.2 remained absent. This Court placed the defendant No.2 as exparte. Therefore, to protect the right and interest of the minor defendant No.3, it is necessary to appoint Court Guardian. Hence, prays to allow the application.

3. The counsel for defendant No.1 submits no objection to allow IA No.I.

4. Heard argument. Perused records.

5. The following points are arises for my consideration:

POINTS

1. Whether the plaintiff has made out grounds to allow the IA No.I?
2. What order ?

6. My answer to the above points are as follows”-

Point No.1: In the Affirmative.

Point No.2: As per order for the following:

REASONS

7. Point No.1:- The present application is filed by the plaintiff seeking appointment of Court Guardian to minor defendant No.3. According to the plaintiff, the defendant No.2 is the mother of minor defendant No.3. The defendant No.2 remained absent. Hence, she was placed exparte. To protect the right and interest of the minor defendant No.3, it is necessary to appoint Court Guardian.

8. It is pertinent to note that, the present suit is filed for relief of partition and separate possession in respect of the suit properties. On perusal of the order sheet, it appears that, the defendant No.2 has been placed as exparte. The defendant No.2 is the mother of minor defendant No.3. Hence, in the present facts of the case, to protect the interest of the minor defendant No.3, it is necessary to appoint Court Guardian to represent the minor defendant No.3. Hence, the application is deserves to be allowed. Hence, I answer the point No.1 in the affirmative.

9. Point No.2: In view of the above discussions, I proceed to pass the following order portion:

ORDER

The IA No.I filed by the defendant
U/o 32 rule 3 of CPC is hereby allowed.

Smt.SHM Advocate is appointed as
Court Guardian to represent the minor
defendant No.3 Kumari. Ananya D/o
Deepu @ Deepak Bagale.

The Court Guardian fee fixed as
Rs.3,500/-.

(Dictated to stenographer typed by him, corrected by me, then pronounced
in the open court on this the 15th day of April 2026)

Sd/-
I Addl. Civil Judge and JMFC
Bailahongal.