

IN THE COURT OF CIVIL JUDGE AND JMFC AT  
HOLENARASIPURA

Present:- Sri. Chandrashekhara.P.Diddi, B.A., LL.B,  
Civil Judge and J.M.F.C,  
Holenarasipura.

Dated this the 7<sup>th</sup> day of January, 2015

**O.S.No.134/2008**

Between

Rani and others : Plaintiffs

(By Sri.B.N.R.,Adv.,)

V/s

Chikkamallamma and others : Defendants

(D1 & 2 By Sri.P.D.D.,Adv.,  
D3, 6, 7, 8 to 11 By Sri.H.S.A.,Adv.,  
D12 By Sri.R.S.,Adv.,  
D4 & 5 Ex-parte)

**ORDERS ON IA-XV**

Chikkamallamma : Applicant/Defendant No.1

V/s

Rani and others : Plaintiffs

**ORDERS ON IA-XV**

The defendant no.1 has filed IA.No.XV under order 32 rule 8 of  
C.P.C seeking discharging her from minor guardian to the defendant  
no.2.

2. In the accompanying affidavit of IA.No.XV the defendant no.1 submitted that the plaintiff has filed the suit for partition. The defendant no.1 being the mother of the defendant no.2 represented as minor guardian to the defendant no.2. Now the defendant no.2 has attained the majority. Hence prays for discharging her from guardianship.

3. The plaintiffs counsel present and submits that the application may be allowed.

4. Heard the argument of both the counsels.

5. The points that arise for my consideration are as follows.

**1. Whether the application filed by the defendant no.1 is deserves to be allowed and what order?**

6. I answer the above points are as follows.

**Point No.1:-** In the affirmative.

as per the final orders for the following reasons.

**REASONS**

7. **Point No.1:-** I have gone through the plaint averments. The plaintiff has filed the suit for partition and separate possession. On careful perusal of the cause title the defendant no.1 is the mother of the defendant no.2. She is represented the defendant no.2. The

defendant counsel produced the school certificate of the defendant no.2. On perusal of the school certificate the defendant no.2 was born on 10/08/1995. The present application is filed on 11/12/2014. Therefore the defendant no.2 attained the majority. Hence the grounds stated by the defendant no.1 in the application is proper and acceptable one. In the interest of justice and equity the application is deserves to be allowed. Accordingly I answer the above points in the affirmative. For the above stated reasons I proceed to pass the following order.

**::O R D E R::**

**IA. No. XV filed by the defendant no.1 under order 32 rule 8 of C.P.C is hereby allowed.**

**The guardianship of the defendant no.1 in favour of the defendant no.2 is discharged.**

**It is directed to the defendant no.1 to file the written statement if he desire.**

**No order as to cost.**

(Dictated to stenographer and transcribed by her revised and corrected by me then pronounced in the open court dated this 7<sup>th</sup> day of January, 2015)

**(Chandrashekhara.P.Diddi)  
Civil Judge and J.M.F.C,  
Holenarasipura.**