

**ORDERS ON I.A No.1 AND 2**

This is a suit filed by the minor plaintiffs through their grandparents for the relief of Declaration and Permanent Injunction and against the defendants in respect of the suit 'A' schedule properties **I.A. No.1** is filed by the plaintiffs under **Order 32 Rule 1 R/w Section 151 of CPC** seeking permission for the grandparents of the minor plaintiffs to represent the said minors and to proceed in the present suit. Further **IA.No.2** under **Order 39 Rule 1 and 2 of CPC** seeking an ad-interim order of temporary injunction restraining the defendant No.1 and 2 or anybody on their behalf from alienating or transferring or changing the khata of the suit 'A' schedule properties till disposal of the suit by dispensing the notice to the defendant No.1 and 2 in the interest of justice and equity.

2. The IA.No.1 and 2 are supported with the affidavit of the grandfather of the minor plaintiffs. I have gone through the affidavit and the documents produced by the plaintiffs. The documents show that the plaintiffs are claiming right over the suit schedule properties as coparcenary properties. At the time of arguments the learned counsel for the minor plaintiffs has relied upon the judgment of the Hon'ble Supreme Court reported in **AIR 1999 SUPREME COURT 1149 between Ms.Githa Hariharan and another, Petitioners Vs Reserve Bank of India and another, Respondents**, wherein it is observed that

the Mother can act as natural guardian of minor even when the father is alive.

3. The learned counsel for the minor plaintiffs has argued that the defendant No.1 is the father of the minor plaintiffs and he is having bad vices and he is at the verge of squandering the family properties and he and his brother the defendant No.2 have already executed a sale agreement in respect of the Sl.No.4 of the suit 'A' schedule properties on 06.06.2025 and on the same day the defendant No.1 was admitted to a rehabilitation centre for a period of one month. The learned counsel for the minor plaintiffs has argued that the mother of the minor plaintiffs has passed away and the defendant No.1 and 2 taking advantage of their names in the RTCs, are trying to sell the suit 'A' schedule properties to others to defeat their rights over the suit schedule properties.

4. At this stage, I'm of the view that the minor plaintiffs have made out prima-facie case and if IA.No.2 is not allowed then it may cause multiplicity of proceedings. Under **Order 32 Rule 1 of CPC** a minor can file a suit through his next friend and in the present suit as the mother has passed away the grandparents are the next friends for the minor plaintiffs. Further in respect of IA.No.1, it would be appropriate to issue notice on the application to the defendant No.1 before passing any orders. Hence, I proceed to pass the following:

**ORDER**

**I.A. No.2** filed by the minor plaintiffs under **Order 39 Rule 1 and 2 R/w Section 151 of CPC** is hereby allowed.

The defendant No.1 and 2 or anybody or their behalf are hereby restrained by way of temporary injunction order from alienating or transferring or changing the khata of the suit 'A' schedule properties till next date of hearing.

The plaintiffs are hereby directed to comply the exparte temporary injunction under the provision of **Order 39 Rule 3 of CPC** without fail.

Issue suit summons, notice on **IA.No.1** to the defendant No.1, issue notice on **IA No.2** and temporary injunction order to defendant No.1 and 2 after compliance, returnable by **09.04.2026**.

**Civil Judge & JMFC,  
Hangal.**