

ORDER ON IA NO.I

The next friend/ mother of the plaintiff has filed the application under order 32 rule 1 of CPC praying to permit her to act as next friend of the minor plaintiff.

The applicant has contended that, the plaintiff is a minor. The applicant is the mother of the minor. The applicant has no adverse interest against the minor plaintiff. On the said material ground the applicant has prayed for allowing the present application.

Heard the arguments and perused the materials on record.

On going through the materials at this stage it appears that the applicant is the mother of the minor plaintiff and the plaintiff has filed suit against his uncles for partition. The father of the plaintiff is reported to be died. Hence, considering the grounds of the application and materials on record I am of the opinion that, the present application is required to be allowed.

Hence I proceed to pass the following...

ORDER

The IA No-I filed by the next friend/mother of the plaintiff is hereby allowed.

Senior Civil Judge and JMFC,
Afzalpur.

ORDERS ON I.A.NO-III

The plaintiff has filed this application under Sec.80 of CPC with prayer to permit the plaintiff to file suit against the defendant No.7 by dispensing the issuance of prior notice to the defendant No.7.

It is contended by the plaintiff that the plaintiff and defendant No-1 to 6 are the joint family members. The suit properties are the joint family properties of the plaintiff and defendants. The defendant No-7 has acquired 1 acre of land under irrigation project for construction Nala. The defendant No-1 to 6 have denied to allot share to the plaintiff. The plaintiff has filed the present suit against the defendants due to urgency in the matter.

Heard the arguments and perused the materials on record.

On going through the materials at this stage in order to consider the case of the plaintiff I am of the opinion that at this stage the plaintiff has made out the grounds for proceeding further against the defendant No.7 in the present suit.

Hence I proceed to pass the following...

ORDER

The plaintiff is permitted to proceed with the suit against the defendant No.7 without issuance of prior notice at this stage.

Senior Civil Judge and JMFC,
Afzalpur.

OS No. 26/2025

ORDER

The plaintiff has filed the application under order 39 rule 1 and 2 of CPC with a prayer to pass an exparte ad-interim order of temporary injunction against the defendant No.1 to 5 from alienating the suit properties pending disposal of the suit.

2. It is the case of the plaintiff that the plaintiff and defendant No.1 to 6 are the joint family members. The suit properties are the joint family properties of the plaintiff and defendant No.1 to 6. The plaintiff has got share in the suit properties. The defendant No.1 to 5 are trying to alienate the suit properties.

3. Heard the arguments and perused the materials on record.

4. On going through the materials at this stage it appears that plaintiff has produced the document in the form of Revenue record standing in the name of defendant No-5. Hence on considering the allegations made by the plaintiff and considering the materials on record at this stage in order to avoid multiplicity of proceedings this court is of the opinion that the plaintiff has made out grounds for passing an interim order in his favour on IA No.II.

Hence I proceed to pass the following...

O R D E R

The defendant No.1 to 5 are hereby restrained by an order of exparte temporary injunction from alienating the suit properties till next date of hearing.

The plaintiff is hereby directed to comply the order as per order 39 rule 3(a) of CPC without fail.

Issue notice of IA No.I to the defendant No.1 to 5.

Issue suit summons to the defendant No.1 to 7.

Call on 02-04-2025.

Senior Civil Judge and JMFC,
Afzalpur.