

Order on IA No.1 U/O 32 Rule 3 of CPC

The plaintiffs have filed this application U/O 32 rule 3 of CPC and sought to appoint defendant No. 8 as guardian of minor plaintiffs No. 10 to 13 and plaintiff No. 14 as guardian of minor plaintiffs No. 16 and 17.

The plaintiff No. 5 has sworn to an affidavit in support of IA and stated that the plaintiff No. 8 is mother of minor plaintiffs No. 10 to 13 and plaintiff No. 14 is mother of defendants No. 16 and 17. The plaintiffs No. 8 and 14 are not having adverse interest against their children. Hence, prays to allow the I.A.

Perused the records. Heard arguments.

The plaintiff No. 8 and 14 being mothers of minor plaintiffs No. 10 to 13 and 16 and 17 respectively are proper and competent persons to act as guardians as in the absence of father, mother is the natural guardian. Further, since, the plaintiffs No. 8 and 14 are mothers the chances of they having adverse interest against their own minor children is very less. Therefore it is just and proper to appoint plaintiffs No. 8 and 14 as minor guardians of their respective minor children. Hence, the following:

ORDER

The application filed by the plaintiffs U/O 32 Rule 3 of CPC is hereby allowed.

The plaintiff No. 8 is appointed as guardian of minor plaintiffs No. 10 to 13 and plaintiff No. 14 is appointed as guardian of minor defendants No. 16 and 17 to prosecute this suit on behalf of the minors.

C/C Senior Civil Judge & JMFC,
Chincholi.

Exparte T.I. Order on IA No.II.

The plaintiffs have filed this application U/O 39 rule 1 and 2 of CPC and sought to restrain the defendant No. 2 by way of ex-parte temporary injunction from alienating the suit property till disposal of the suit.

The plaintiff No. 5 has sworn to an affidavit in support of IA and stated that one Abdul Wahid was the father and defendant No. 1 is mother of plaintiffs No. 1 to 7. The plaintiffs and defendants are having share in the suit properties. Now the defendant No.2 is trying to alienate the suit property. Hence prays to allow the I.A.

Perused the records. Heard arguments.

The RTC Extract show that earlier suit property was standing in the name of father of plaintiffs Abdul Wahid. Therefore, after his death as per the Muslim Law the sharers and resudaries are having share in the suit properties. Therefore the rights of the parties and the validity of the sale dated, 22-11-2002 has to be decided during the trial. Therefore at this stage plaintiffs have made out prima facie case. If at this stage the defendant No. 2 is not restrained from alienating the suit property and if he alienates the suit property during pendency of the suit it will cause much inconvenience to the plaintiffs. Therefore, at this stage the plaintiffs have made out prima facie case and balance of convenience lies in their favour. Hence the following:

ORDER

The defendant No. 2 is hereby restrained by way of ex-parte temporary injunction from alienating the

suit property till next date of hearing.

Plaintiffs shall comply Order 39 Rule 3 of CPC.

Office to issue notice of I.A. No. I, T.I notice to defendant No. 2 and suit summons to defendant No.1 through RPAD and to defendant No. 2 through Court.

The plaintiffs shall pay deficit process fee if any and furnish postal covers within three days from today, failing which this order stands vacated automatically.

Returnable by : 19-01-2026.

C/C Senior Civil Judge & JMFC,
Chincholi.