

**COMMON ORDERS ON I.A. NO.II TO IV**

Plaintiffs have filed this suit against the defendants for the relief of declaration and permanent injunction in respect of the suit schedule property.

The Plaintiffs have also filed I.A.No.II U/O.39, Rule 1 and 2 of C.P.C., seeking to grant ad-interim exparte temporary injunction against the defendant No.15, restraining him, his family members, servants, agents or any persons on his behalf from not to interfere with the Plaintiffs peaceful possession and enjoyment of the suit schedule property in any manner whatsoever until the final disposal of the suit.

The learned counsel for the plaintiffs has also filed I.A.No.III & IV under Order XXXII Rule 3 R/w Section 151 of C.P.C. to appoint the defendant No.6 & 10 as a natural guardians to defendant No.7 to 9 &11.

In the accompanying affidavits filed along with I.A.No.III & IV, it is stated that, the defendant No.6 is the father of defendant No.7 to 9 and defendant No.10 is the father of defendant No.11, who are in the care and protection of defendant No.6 & 10. The interest of defendant No.7 to 9 & 11 being minors are involved. Accordingly, he prayed to allow the I.A.No.III & IV.

I have perused the case including the I.A.No.II and also heard the learned counsel for the plaintiffs on I.A.No.III & IV.

From the perusal of the Rule 3 of Order XXXII of C.P.C., it is abundantly clear that, every suit by a minor shall be instituted in his name by a person who in such suit shall be called the next friend of the minor.

From the perusal of the affidavit of I.A.No.III and IV, it is clear that, the fathers who are the defendant No.6 & 10 are looking after well being of the defendant No.7 to 9 & 11 and the defendant No.6 & 10 are the natural guardians of the defendant No.7 to 9 & 11 who are minors. Therefore, if the defendant No.6 & 10 are appointed as a natural guardians in favour of defendant No.7 to 9 & 11 to proceed with the case, no hardship will be caused to the other side. Therefore, I am of the opinion that the plaintiffs have made out sufficient grounds to appoint defendant No.6 & 10 as natural guardians to the defendant No.7 to 9 & 11. Hence, the grounds mentioned in I.A.No.III & IV are believable.

This Court of the opinion that, it is necessary to hear the defendants to consider I.A.No.II on merits. Hence, I proceed to pass the following:-

**:: ORDER ::**

I.A.No.III & IV filed under Order XXXII Rule 3 R/w Section 151 of C.P.C. are hereby **allowed.**

The defendant No.6 is hereby appointed as a natural guardian for defendant No.7 to 9 to represent them in the case. The defendant No.10 is hereby appointed as a natural guardian for defendant No.11 to represent him in the case.

Issue emergent notice on I.A.No.II and suit summons to the defendants, if P.F. is furnished.

Await summons and notice by:  
26.10.2023.

**Addl. Civil Judge & J.M.F.C.,  
T.Narasipura. \*\***