

ORDERS ON I.A.No.III.

This is the suit filed by the plaintiffs against the defendants for the relief of Partition and Separate Possession.

The learned counsel for the plaintiffs has filed I.A.No.III under Order XXXII Rule 1 of C.P.C. seeking permission to represent the case through their mother as a minor guardian to plaintiff No.1 to 3.

In the accompanying affidavit filed along with I.A.No.III, it is stated that, the defendants are not make use of the suit schedule properties proceeds for the benefit of minor plaintiffs. Hence, the mother of the plaintiffs has filed the above suit on behalf of her minor children. They are under the care and custody of their mother. The interest of plaintiff No.1 to 3 being minor is involved. Accordingly, they prayed to allow the I.A.No.III.

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

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, it is clear that the mother of the plaintiffs is looking after well being of them and their mother is the natural guardian of the plaintiffs, who are minors. Therefore, if their mother is appointed as a next friend in favour of plaintiffs 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 their mother as next friend to the plaintiff No.1 to 3. Hence,

the grounds mentioned in I.A.No.III are believable.

:: ORDER ::

I.A.No.III filed under Order XXXII Rules 1 of C.P.C. is hereby **allowed**.

The mother of plaintiffs is hereby appointed as a next friend in favour of them to represent their case.

For Plaintiff Evidence

R/by: 05.09.2023.

**Addl. Civil Judge & JMFC,
T.Narasipura. ****