

27.10.2022

ORDER ON IA NO.I AND II

The applicant has filed two applications at IA No.I under Order XXXII Rule 1 r/w Sec.151 of C.P.C. to permit her to proceed with the case as the guardian to the minor plaintiff No.1 and 2 and IA No.II under Sec.151 of C.P.C. to permit the her to proceed with the case as guardian to the plaintiff No.3 who is deaf and dumb. Since the contents of both the affidavits annexed to the both the applications are similar in nature, this court proceed to pass common order on both the applications.

2. The applicant has deposed to both the affidavits that she is the mother of plaintiff No.3 who is a deaf and dumb and the grandmother of minor plaintiff No.1 and 2 who are the children of plaintiff No.3. She further deposed that all the plaintiffs are having shares in the plaint schedule property and as the father of the plaintiffs No.1 and 2 and husband of plaintiff No.3 died, they are in her care and custody and she is ready to look after them in every respect. On these grounds she prayed to allow both the applications.

3. Heard and perused the application.

4. It is to be noted that the present suit is filed for partition and separate possession of the suit property. The applicant submitted that she is

none other than the grand mother of plaintiff No.1 and 2 and mother of plaintiff No.3 who is physically challenged suffering from deaf and dumb. In fact it is the duty and responsibility of the mother to look after her children. In this case it is the duty and responsibility of the plaintiff No. 3 to look after her minor children. But according to the applicant the plaintiff No.3 is deaf and dumb. It means she herself is not in a possession to represent the plaintiff No.1 and 2 in the suit. Hence, the concern of the applicant cannot be overruled. If the applications are not allowed it will be great injustice to the plaintiffs who sought for their legitimate shares in the suit property. On these observations, this court passes the following:

ORDER

The IA No.I and II filed by the applicant is hereby allowed.

The applicant by name Smt. Champavva Gopal Jarali is permitted to continue the suit as a guardian of the plaintiffs.

Office is directed to issue suit summons to the defendants if sufficient PF and copies furnished.

Call on:28.11.2022.

**Prl. Civil Judge & JMFC,
Sankeshwar.**