

IN THE COURT OF THE SUB JUDGE , MUVATTUPUZHA

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Friday, the 20th day of February, 2026 /1st Phalguna 1947

I.A. No. 3/2023 in O.S.No. 45/2023

Petitioner/Defendant:-

Wilson Alias S/o Alias residing at
Mundakattill Puthenpurayil House,
Pambra Kara, Maneed Village,
Muvattupuzha Taluk, Pulickamaly P.O,
682314.

By Advs. Eldho K.D & Jain Jacob.

Respondents/Plaintiffs:-

- 1 Annakutty, aged 64 years,
W/o Chacko, Karukayil (H),
Pambra, Maneed Village,
Muvattupuzha Taluk, Ernakulam District,
Pin – 682314.
- 2 Leela John, aged 62 years,
W/o John, Pottackattill (H),
Vettickal P.O, Mulanthuruthy,
Kanayannoor Taluk, Ernakulam District,
Pin – 682314.

- 3 Lizzy Thampi, aged 53 years,
W/o T.K. Thambi, Thacheth (H),
Paingarapilly P.O., Thuruttikara,
Kanayannoor Taluk, Ernakulam District,
Pin – 682314.

By Advs. M.S. Ajith & Revathy Ramesh.

This Petition is filed Under Order XXXII Rule 3 of the Code of Civil Procedure 1908 to appoint Mini Wilson W/o Wilson Alias, aged 53 years, residing at Mundakattil Puthenpurayil House, Pambra Kara, Maneed Village, Muvattupuzha Taluk, Pulickamaly P.O, 682314, as the Next friend to contest the above numbered Suit.

The petition is coming on for final hearing on 13.02.2026 in the presence of the above counsel and the court on 20.02.2026 passed the following:-

ORDER

This petition has been filed by the petitioner/Defendant under Order XXXII Rule 3 of the Code of Procedure 1908, seeking appointment of his Wife as the next friend of the defendant. The petition

is supported by an affidavit sworn to by the wife of the petitioner, wherein it is stated that the suit has been filed by the sisters of the defendant seeking partition of the plaint schedule properties. The defendant has tenable contentions in the above-numbered cases. However, he has been paralyzed due to cerebral hemorrhage stroke suffered in 2016. He is unable to speak, and the doctors informed that the permanent disability is incurable. The defendant cannot depose before the court or affix signature on any paper, nor can he even affix a thumb impression. A personal care and medication is needed to prolong the life of the defendant. Therefore, the defendant is to be properly represented before the court through a next friend or guardian. The defendant has two children, the elder son is abroad and the younger daughter, employed in an MNC company at Thiruvananthapuram. The wife of the petitioner is the apt person to represent the defendant before the court. Hence, the petition.

2. A third party affidavit was also filed by the petitioner, affirming that the wife of the petitioner has no adverse interest against the interest of the defendant.

3. No written objection has been filed by the plaintiff.

4. The doctor was examined as PW1, and the medical certificate was marked as Ext. A1.

5. Both sides were heard.

6. PW1 gave evidence that he had issued Exhibit A1 certificate. The certificate was issued regarding the treatment details of Wilson alias. The present condition of the patient is also detailed in the certificate. The patient could not speak, but he can understand to some extent and he cannot pronounce words or sentences. He can only make some sounds. Because of brain hemorrhage, his language is significantly damaged and affected. He was understand simple commands, but he can't speak. The further chances of improvement is very less as the patient is laid up for last 8 years.

7. Upon going through the evidence of PW1 as well as the facts averred in the affidavit filed in support of the petition, I am of the considered view that the petition is liable to be allowed.

In the result, the petition is allowed and the wife of the petitioner is permitted to act as the guardian of the defendant.

Dictated using Adalat AI voice dictation software, transcribed by it, corrected by me and pronounced in the Open Court on this the 20th day of February 2026.

Sd/-
ATHEEK RAHMAN
CIVIL JUDGE (SENIOR DIVISION)

APPENDIX :

Appellants Exhibit :-

A1	25.08.2017	Medical Certificate of Mr. Wilson Alias
<u>Respondents Exhibits :-</u> Nil		
<u>Third Party Exhibits:-</u> Nil		
<u>Court Exhibits :-</u> Nil		
<u>Appellants Witness :-</u>		
PW1	12.12.2025	Dr. Venkidesh K
<u>Respondents Witness :-</u> Nil		
<u>Court Witness :-</u> Nil		

Sd/-
CIVIL JUDGE (SENIOR DIVISION)

Ss/-
Dmn/-

Order in
I.A.No.3/2023 in
O.S.No.45/2023
Dated:20.02.2026