

MHAH170007542026

**ORDER BELOW EXH.13 IN R.C.S.79/2026**

The next friend of minor plaintiff no.1 has filed this application vide Order XXXII Rule VII of the CPC for permission to enter into compromise on behalf of a minor with reference to the present suit. Say of defendants were called thereon. The defendants have stated no objection to the application.

2) Perused the application and record. Heard both sides. The application is supported by affidavit. The suit is instituted for partition and separate possession of ancestral property. The next friend is shown to be grandmother of minor plaintiff no.1. Plaintiff no.2 and minor plaintiff no.1 are daughter and son of defendant no.1. Mother of plaintiff no.2 and minor plaintiff no.1 is shown to be dead. Regarding the suit properties, both parties shown to have amicably settled their disputes out of the Court. Through this application, the next friend is seeking permission to compromise the suit on behalf of a minor plaintiff no.1. The next friend has submitted that, the proposed compromise is for the benefit of minor plaintiff no.1 and she does not have any adverse interest against the minor plaintiff no.1.

3) The Ld. Advocate for the plaintiffs has also filed Certificate as per Sub Rule 1A Rule 7 of Order XXXII of the CPC thereby he has also certified that, the proposed compromise, in his opinion, is for the benefit of the minor plaintiff no.1.

4) I have gone through the proposed compromise between the parties. Therein, it is shown to be agreed between the parties that, the

suit property 1A Adm. 0.68.50 R and suit property 1B Adm. 0.00.25 R standing in the name of defendant no.1 are agreed to be given in share of plaintiff no.2 and minor plaintiff no.1. Suit property 1C Adm. 0.00.03 R is agreed to be given in share of defendant no.2 i.e. grandfather of plaintiff no.2 and minor plaintiff no.1. Therefore, I am of the view that, the proposed compromise is shown to be for the benefit of minor plaintiff no.1.

5) Hence, in view of Order XXXII Rule 7 of the CPC, leave of this Court for compromise on behalf of a minor plaintiff no.1 with reference to the present suit is required to be granted to the next friend/plaintiff no.3 as per rules. Hence, following Order is passed.

ORDER

- i) The application is allowed as per follows.
- ii) In view of Order XXXII Rule 7 of the CPC, leave of this Court is granted to enter into compromise on behalf of a minor plaintiff no.1 with reference to the present suit is granted to the next friend/plaintiff no.3 *as per rules*.
- ii) Both parties to take note of it.

Date :- 23/04/2026

(P. S. Girgaonkar)
3rd Jt. Civil Judge (Jr. Div.) Rahata.