



**ORDER BELOW EXH – 60**

By this application plaintiff no.02 and 03 have submitted that they have now become major. Initially, the suit for partition was filed by them prove their mother (plaintiff no.01) as their next friend. Since they have attend majority, it is necessary discharge the next friend and permit them to proceed with the suit. On these premises, it is submitted that the application may be allowed.

2. Defendant no.02 has opposed the application. He has submitted that plaintiff no.02 and 03 have not filed their birth certificates on record. Therefore, appropriate order may be passed.

3. Plaintiff no.01 has given no objection to the present application.

4. It must be noted that the present suit is for partition of joint family properties. Plaintiff no.02 and 03 are the children of plaintiff no.01. The suit was filed by plaintiff no.01 as next friend of plaintiff no.02 and 03. Plaintiff no.02 and 03 now contend that they have now become major. Further, from the avernments of the application it can be inferred that they have elected to proceed with the suit. Therefore, leave needs to be granted to proceed in their own name. Likewise, the next friend (plaintiff no.01) needs to be discharged. Hence, in view of above, I pass the following order;

**ORDER**

1. Application (Exh.60) is allowed.
2. Leave is granted plaintiff no.02 and 03 to proceed with the suit in their own name.
3. Plaintiff no.01 is discharged to act as next friend of plaintiff no.02 and 03.
4. Necessary amendment is carried out.
5. Amended plaint and copies thereof be filed.

Panhala  
Date 24.09.2024

**(D. S. Parwani)**  
Civil Judge Junior Division,  
Panhala, District Kolhapur.