

Regular Civil Suit No.27/2019.

Order below Exh.33.

(Passed on 02.12.2024)

1. This application is filed by plaintiff No.2 to appoint her as a guardian of minor plaintiff No.1.
2. It is the contention of the plaintiff No.2 that the plaintiff No.1 namely Kanika Samadhan Kumawa is minor and she is her biological mother and also maintaining her. She has filed this suit for herself and for her minor daughter i.e. plaintiff No.1 for partition and injunction. As the plaintiff No.1 is minor the plaintiff No.2 has filed this application to appoint her as guardian-ad-litem.
3. Defendant have filed their say below Exh.35 and denied the contents of the application. It is their contention that the application is false and not tenable. After five years, the plaintiffs are rectifying their mistake. Reason mentioned in the application is not proper. Finally, prayed for rejection of application.
4. Heard both sides.
5. It is the contention of the plaintiff No.2 that the plaintiff No.1 is minor and she is her natural mother. In order to substantiate her contention, the plaintiff No.2 has filed the copy of birth certificate of plaintiff No.1 below Exh.38. I have gone through it. It shows that the date of birth of Kanika Kumawat as 17.12.2012. Considering her date of birth, she is below 18 years of age. Said Kanika Samadhan Kumawat is the plaintiff No.1 in the present suit.
6. Further, it is the contention of the plaintiff No.2 that she is the natural mother of plaintiff No.1. I have gone through the plaint. The plaintiffs have filed this suit for partition and injunction. The plaintiff No.2 has filed this suit for herself and for plaintiff No.1. Thus, as the plaintiff Nos.1 and 2 have

filed this suit against the defendants, the interest of the plaintiff No.1 is not against the plaintiff No.2. The defendant No.1 is the father of the plaintiff No.1, but as the father of the minor is included in this suit as defendant, he cannot be appointed as her guardian. In such situation, plaintiff No.2 is only the fit and proper person to appoint as guardian of minor plaintiff No.1. The plaintiff No.2 has filed her affidavit in support of the application. In the said affidavit it is mentioned that she is the natural mother and maintaining the plaintiff No.1.

7. Further, it is the contention of plaintiff No.2 that she is maintaining the plaintiff No.1. The plaintiff No.2 is natural guardian of plaintiff No.1. Hence, it is necessary to appoint the plaintiff No.2 as guardian-ad-litem for minor plaintiff No.1. Further, being natural guardian, the plaintiff No.2 is the fit person to appoint as guardian of plaintiff No.1. Further, in case of minor plaintiff, it is necessary that the minor should be represented by someone who is fit person to represent her. Hence, the following order:-

ORDER

1. The application is allowed.
2. The plaintiff No.2 is hereby appointed as guardian-ad-litem for minor plaintiff No.1.

Place : Yeola.
Date : 02.12.2024.

(M. S. Ligade)
Civil Judge, Junior Division
Yeola.

CERTIFICATE

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer	:	P. A. Bargal (L.G. Stenographer)
Name of the Court	:	Shri. M. S. Ligade, C.J.J.D., Yeola, Dist. Nashik.
Date of Order / judgment	:	02.12.2024.
Order / judgment signed by		
Presiding officer on	:	02.12.2024.
Order / judgment uploaded on	:	02.12.2024.