

MHPA170001272025



R.C.S. No.08/2025
Vasiya Begum & Ors. Vs. Taimur
Beg & Ors.

Order below Exh.14
(Passed on 11th April, 2025)

1] This is an application of defendants to pass suitable legal order in respect of defendants nos.02 and 14 as they are completely deaf and dumb.

2] Learned advocate for defendants/applicants argued that, defendants nos.02 and 14 are not able to understand present proceeding and to put their defence before court. Appointment of guardian is necessary to protect the rights of defendants nos.02 and 14. Per contra, learned advocate for plaintiffs/non-applicants has filed reply to the application and he argued that defendants nos.02 and 14 are suffering from hearing impairment and they are able to make their signatures. Said defendants have also received suit summons and they are not suffering from mental infirmity. Defendant no.2 is married and he has effected partition of his share between his legal heirs. Other defendants are capable to give understanding of present proceeding to defendant no.2. Defendant no.14 is also married and he understands financial and other works. Other defendants are capable to give understanding to him in respect of present proceeding. Therefore, next friend/guardian is not required to be appointed for defendants nos.02 and 14.

3] Defendants in support of their application have filed xerox copies of disability certificates of defendants nos.02 and 14 wherein they are shown to be 100% impaired in case of hearing and the

diagnosis in their cases is bilateral profound SNHL. Upon inquiry by this court both learned advocates have admitted that said defendants are suffering from 100% hearing impairment from their birth.

4] Perused the record of case and documents.

5] It is necessary to understand that, defendants nos.02 and 14 are absolutely deaf and dumb. This court cannot draw any inference that said defendants are capable to understand present proceeding and they are able to protect their interest merely because they have learned some how to make their signatures. Therefore, defendants nos.02 and 14 are entitled to get benefit of Order 32 Rule 15 of the C.P.C., as they are incapable to protect their interests being sued. Order 32 Rule 03 of the C.P.C. provides that an order for the appointment of a guardian for the suit may be obtained upon application in the name and on behalf of the minor or by the plaintiff. Thus, it is necessary to direct plaintiffs to take necessary steps to appoint guardian for defendants nos.02 and 14. Hence, the following order.

Order

[1] The application is allowed.

[2] The plaintiffs are directed to take suitable steps to appoint guardian for defendants nos.02 and 14.

[3] Parties to take note of this order.

(Directly dictated and typed on court computer in open court)

Date:-11/04/2025

(N.P. Talnikar)
Civil Judge (J.D.)
Jintur.

Certificate

I affirm that the contents of this P.D.F. file are same word for word as per original order.

Name of Steno :- Moresb Shankarrao Kulkarni

Court Name :- Civil Judge (J.D.), Jintur

Typed on :- 11/04/2025

Signed by Presiding Officer on :- 11/04/2025

Uploaded on :- 11/04/2025