

Yogita Suresh Shinde

Vs

Shashikala Suresh Shinde

ORDER BELOW EXH. NO. 14

The applicant No.2 has filed this application under Order 32 Rule 12 for discharging next friend and leave to proceed in her own name.

2. Heard Ld. advocate for applicant No.2. Considered his submission.

3. The Ld. advocate for applicant No.2 submitted that the present application is filed for obtaining succession certificate under section 372 of Indian Succession Act 1925. Applicant Nos.1 to 3 are sisters. At the time of filing this application applicant Nos.2 and 3 were minors having age of 17 year and 9 years respectively. Therefore, applicant No.1 has filed this application on behalf of applicant Nos.2 and 3 as next friend. During the pendency of this application applicant No.2 became major. Therefore, she is able to try this application by herself. Hence, he prayed to discharge next friend i.e. applicant No.1 and leave to proceed the application in the name of applicant No.2.

4. This application is proceeded ex parte and without giving notice to the next friend because the next friend of applicant Nos.2 and 3 is their sister and she is already party as applicant No.1 in the application.

5. The present application is supported with affidavit. In support of this application, applicant No.2 has filed verified copy of her adhar card, verified copy of her birth certificate and original copy of her bonafide certificate.

6. As per Order 32 Rule 12, minor after attaining majority can elect to proceed with suit or application or elect to abandon the suit or

application. The present application is filed by applicant No.2 for discharging next friend and leave to proceed in her own name after attaining majority. On perusal of the documents it appears that the date of birth of applicant No.2 is 23/08/2004. At the time of filing of this application, she is 17 years old. Now she became major, having age of 20 years. Therefore, it is necessary to give opportunity to applicant No.2 to appear in the application in her own name by discharging the next friend.

7. In view of the above considerations. The applications deserves to be allowed. Hence, following order is passed.

O R D E R

- 1) The application at Exh. 14 is allowed.
- 2) The name of next friend i.e. applicant No.1 is discharged for applicant No.2.
- 3) The permission is granted to applicant No.2 to proceed with the application in her own name.
- 4) The applicant No.2 is directed to comply with provision given under Order 32 Rule 12 (3).
- 5) The applicant No.2 is directed to carry out amendment and file amended copy of application within 14 days from the date of this order.

Sd/-

(Sneha Sunil Pulujkar)

Joint Civil Judge Junior Division,
Ghodegaon, Dist. Pune.

Date : 19/04/2025
Ghodegaon,

CERTIFICATE

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

Name of the Court : Smt. Sneha Sunil Pulujkar ,
Joint C.J.J.D. and J.M.F.C.,
Ghodegaon, Dist. Pune.

Name of the Steno : J. S. Kaite, Steno Grade - III.

Order / Judgment date : 19/04/2025.

Order / Judgment signed by P.O. : 19/04/2025.

Order / Judgment uploaded on : 19/04/2025.