

ORDER BELOW EXH.121

Perused the application and say. Heard both the sides at considerable length. It is the contention of plaintiffs that, defendant No.12A4 and 12A5 are minor and their next friend is yet to be appointed. Accordingly, plaintiff prayed for defendant No.12A1 being their mother, be appointed as their next friend. Defendant prayed for rejection of application contending that, father is the natural guardian and without the presence of father than only mother. No reason given in application why mother needs to be appointed as guardian. Without any proper reason mother cannot be appointed as guardian.

[2] Admittedly, defendant No.12A4 and 12A5 being minor, their next friend is to be appointed for further proceeding on their behalf. Father of defendant No. 12A4 & 12A5 also died. Hence, mother of defendant No. 12A4 & 12A5 is considered as natural guardian. Defendant No.12A1 being mother of defendant No.12A4 and 12A5 is the proper person and their interest are same. In the result, following order is passed :

ORDER

- 1] The application is allowed. Defendant No.12A1 being mother of minor defendant No.12A4 and 12A5 is appointed, as their next friend. Both parties and their respective advocates are to take note.
- 2] Plaintiffs to make necessary amendments in plaint.

Date : 26/06/2025.

(Aaditya A. Vyas)
2nd Jt.Civil Judge Jr. Dn.,
Malshiras.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

- (a) Name of the Stenographer :- S. T. Korbu
- (b) Court :- 2nd Jt. Civil Judge Junior Division
& Judicial Magistrate First Class,
Malshiras.
- (c) Judgment/Order signed
by PO on :- 26/06/2025.
- (d) Judgment/Order uploaded
on :- 26/06/2025