

**IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHEYYAR**  
**TIRUVANNAMALAI DISTRICT**

Present :- **Tmt. K. Naleeni, B.com B.L (Hons), M.L.,**  
Principal District Munsif, Cheyyar,  
Thiruvannamalai.

**Monday, the 14<sup>th</sup> day of July, 2025**

**I.A.No.08/2024 in O.S.No.146/2021**

Perumal

Represented by his Power Agent Anbu

..... Petitioner/Plaintiff

**V.**

1. Santhappan

2. Santhanam (Died)

(3. Mahalakshmi

4. Bhuvaneshwaran

5. Seenivasan

6. Minor Dharani )

.... Respondents/Defendants

This petition is coming before me on **11.07.2025** for final hearing in the presence of Thiru. M.S.Sankarapandiyan, learned Advocate for the petitioner and Thiru. S.Sathish Kumar, B.Ramadass, learned Advocate for the 1<sup>st</sup> Respondent, 2<sup>nd</sup> Respondent having reported as died on 02.08.2024 and the Respondents 3 to 6 having called absent and set exparte and upon hearing and after careful perusal of the entire case records and having stood over for consideration till this day, this Court delivered the following:

**ORDER**

This Petition has been filed under Order XXXII Rule 4 and 5 of Code of Civil Procedure, 1908, to appoint the mother of the Minor Petitioner Ms. Mahalakshmi 3<sup>rd</sup> Respondent as Guardian for the 6<sup>th</sup> Respondent and in default the Court may appoint Court Guardian therein.

## **2. BRIEF AVERMENTS OF THE PETITION AS FOLLOWS:**

The Petitioner is the Power Agent in the suit in O.S.No.146 of 2021. The suit has been filed for declaration, delivery of Possession and permanent injunction against the Defendants. He states that R2 has died on 02.08.2024 and hence, in order to implead his legal heirs, a petition has been filed. However, as one of the Legal heirs to be impleaded is minor, he is filing this present petition, to appoint Guardian for Minor. He further states that the 6<sup>th</sup> Respondent is the Minor and the 3<sup>rd</sup> Respondent is the Mother and maintaining him. Hence, he has filed the present petition under Order XXXII Rule 4 and 5 of Code of Civil Procedure, 1908 seeking to appoint 3<sup>rd</sup> Respondent as a Natural Guardian for the 6<sup>th</sup> Respondent in the above suit and in default the Court may appoint Court Guardian.

3. The Counsel for the Respondent/Defendant endorsed as 'No Counter' and the Petitioner/Plaintiff prayed for the petition may be Allowed.

## **4. POINT FOR CONSIDERATION :**

The sole point to be considered by this Court is whether the present petition can be allowed or not?

5. No oral or documentary evidence was adduced on the Petitioner side.

## **6. DETERMINATION :**

Heard. Records perused.

The Petitioner is the Power Agent in the suit in O.S.No.146 of 2021. The suit has been filed for declaration, delivery of Possession and permanent injunction against the Defendants. He states that R2 has died on 02.08.2024 and hence, in order to implead his legal heirs, a petition has been filed. However, as one of the Legal heirs to be impleaded is minor, he is filing this present petition, to appoint Guardian for Minor. He further states that the 6<sup>th</sup> Respondent is the Minor and the

3<sup>rd</sup> Respondent is the Mother of the 6<sup>th</sup> Respondent and maintaining him. Hence, he has filed the present petition under Order XXXII Rule 4 and 5 of Code of Civil Procedure, 1908 seeking to appoint 3<sup>rd</sup> Respondent as a Natural Guardian for the 6<sup>th</sup> Respondent in the above suit and in default the Court may appoint Court Guardian.

Order XXXII Rule 5 of the Code of Civil Procedure, 1908 deals with Representation of minor by next friend or guardian for the suit and states that the **next friend or guardian** who wishes to represent the minor for the suit, has to file **an application** to the Court to act on behalf of a minor. With regard to who can act as next friend or guardian, Rule 4 (1) of Order XXXII of Code of Civil Procedure, 1908 states that any person *who is of sound mind and has attained majority* may act as *next friend* of a minor or as his guardian for the suit provided that the interest of such person *is not adverse to* that of the minor.

In the present case at hand, the 3<sup>rd</sup> Respondent is the mother of the 6<sup>th</sup> Respondent. She satisfies the criteria required to act as next friend or guardian and as such there can be no dispute with regard to the appointing of the Mother as the Natural Guardian for her own children and also no prejudice would be caused to the Respondent in allowing this petition. Further, there is also no objection by the Respondent in allowing this petition.

Hence, in view of the above reasons, this Court is inclined to allow this petition and appoints the 3<sup>rd</sup> Respondent, Ms. Mahalakshmi, Mother of the 6<sup>th</sup> Respondent as *Natural Guardian* to represent the minor, in conduct of the suit.

***Accordingly, this petition is allowed and the 3<sup>rd</sup> Respondent is hereby appointed as the Natural Guardian for the 6<sup>th</sup> Respondent to proceed with the suit . No order as to costs.***

## **7. RESULT :**

**In the result, this petition is hereby allowed. No order as to costs.**

Dictated by me to the Steno typist, directly typed by her, corrected and

pronounced by me in open court, on this the 14<sup>th</sup> day of July, 2025.

(Sd/-K.Naleeni)

Principal District Munsif,  
Cheyyar.

**8. List of Witnesses:**

On the side of the Petitioners : NIL  
On the side of the Respondent : NIL

**9. List of Documents :**

On the side of the Petitioners : NIL  
On the side of the Respondent : NIL

(Sd/-K.Naleeni)

Principal District Munsif,  
Cheyyar.