

T.S. 246 of 2018  
CNR No. WBSP17-001629-2018  
( J.O. Code-WB0962 )

**Order No. 23 dated 14-06-2022**

Today is fixed for hearing of the petition under Order 32 Rule 3 read with section 151 of the CPC.

Learned advocates for both sides file their respective haziras.

The petition dated 03.03.2021 under Order 32 Rule 3 read with section 151 of the CPC is taken up for hearing.

Heard both sides. Perused the case record. Considered.

It appears from the record that the plaintiff has prayed for appointing the guardian in the instant suit for defendant no. 5 Sebarani Ruidas as she is of unsound mind. As per Order 32 Rule 15 of CPC, Rules 1 to 14 (except rule 2A) of Order 32 of CPC shall be applicable to the person of unsound mind. As per Order 32 Rule 3 (1) the court is empower to appoint a proper person to be a guardian for suit to such unsound mind on being satisfied of the fact of his unsoundness. In the instant case the plaintiff has not produced any document regarding the unsoundness mind of the defendant no. 5. There is no cogent and reliable document on record to jump to the conclusion that the defendant no. 5 is of unsound mind. Moreover, said petition under Order 32 Rule 3 of the CPC has not been filed in terms of Order 32 Rule 3(3) of the CPC.

Considering the facts and circumstances, I did not find any cogent reason to allow the said application. Accordingly, the petition is considered and rejected on contest without costs.

To 28.07.2022 for steps.

Plaintiff is directed to take necessary steps.

Sd/-

(Civil Judge, Sr. Divn., Kakdwip)

D/C

Sd/-

(Civil Judge, Sr. Divn., Kakdwip)