

तारीख हुकम	<p style="text-align: center;">हुकम या कार्यवाही मय इनिशियल्स जज</p> <p style="text-align: center;"><b>Revision No. 4626/2003/TA/Alwar</b> <b>Ashok Kumar Vs. Dhermendra and others.</b></p>	<p style="text-align: center;">नम्बर व तारीख अहकाम जो इस हुकम की तामील में जारी हुए</p>
	<p style="text-align: center;"><b><u>S.B.</u></b> <b>Shri Vijay Kumar Soni, Member</b></p> <p><b><u>Present:</u></b></p> <p>Shri J.P.Mathur: Counsel for petitioner Shri Jagdamba Prashad: counsel for non-petitioners.</p> <p style="text-align: center;">- - -</p> <p>This revision petition has been filed under section 230 of the Rajasthan Tenancy Act, 1955 against the judgment dated 29-08-2003 passed by Sub Divisional Officer, Kotkasim by which he rejected the application u/o 32 Rule 3 of the CPC to appointment of next friend instead of natural father to some other person.</p> <p>Heard the learned counsel of both the parties and perused the impugned judgment dated 29-08-2003.</p> <p>It is admitted that at present defendant no. 4/present petitioner Ashok Kumar is major. At filing of application u/o 32Rule 3 of the CPC, defendant no. 4 was being minor, every application on behalf of minor is to be presented by next friend but in change of position there is no need to appoint next friend for the defendant no. 4 because at this time he is not a minor, he attained the age of major. Hence, there is no need to appoint the next friend.</p> <p>As per above discussion, this revision petition is partially allowed and impugned judgment dated 29-08-2003 is set aside and also the application filed by next friend of defendant no. 4 u/o 32 Rule 3 of the CPC is also dismissed. Direction is given to Sub Divisional Officer, Kotkasim that in suit no. 1/552/03 may be heard to defendant no. 4 as a major without being appointing a next friend. Learned SDO will issue notice to defendant no. 4 to appear before him and after issue notice SDO will decide suit no. 1/552/03 on merits.</p> <p style="text-align: center;">Pronounced in open court.</p> <p style="text-align: center;"><b>( Vijay Kumar Soni)</b> Member</p>	

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