



A.No.2947 of 2023

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in C.S.No.54 of 2023

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N.SATHISH KUMAR, J.

This application has been filed to appoint the second defendant in the suit as a guardian to the 8th defendant.

2. The second defendant is none other than the husband of the 8th defendant. It is the contention of the applicant that the 8th defendant is not in a position to defend herself and she is bedridden and suffering from dementia and Parkinson Disease.

3. Counter is filed on by the 2nd respondent behalf of the respondents 3, 9, 10 & 11, when perused, it is clearly stated that the 8th defendant is suffering from dementia and medical certificate is also filed before this Court.

4. Though it is stated in the counter that 8th defendant is unnecessary party to the present proceedings, this Court is of the view that same is not germane for consideration at this stage. What is relevant has to be seen in the application as is to whether the 8th defendant is in a position to defend herself in a proceedings properly. When all the parties including the plaintiff and the



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defendants, in unison, have submitted before this Court that the 8th defendant is suffering from dementia besides Parkinson Disease and is not in a position to move out of the house, she has to be defended properly in the proceedings instituted against her. The second defendant/second respondent is none other than the husband of the 8th defendant and is already defending the suit and he is the best person to be appointed as a guardian for the 8th defendant and defend her.

5. Accordingly, this application is ordered appointing the second defendant as the Guardian to the 8th defendant to represent and defend the suit.

6. Post this suit on 29.02.2024 for filing written statement.

10.01.2024

dhk

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