**Minor or a person of Unsound Mind in a Civil Suit**

**Important points to remember-**

**Suit for and against a minor or a person of unsound mind are drafted as per Order XXXII of CPC:**

**Rule 1: Every suit by minor is instituted in his name by a person called "next friend".
Rule 3: Where a defendant is a minor, the court shall appoint a proper person to be "guardian" for the suit for the minor. An order to appoint a guardian can be obtained upon application by the plaintiff or by the minor in his name or by the minor on his behalf.**

**Only difference between a regular suit and a suit by/against a minor is that the name of the next friend or guardian is specified along with the name of the parties.**

In the Court of Civil Judge Class - I at Delhi

Suit No. ………… / 20…….
A. B. s/o B. C.
A minor through his next friend X. Y.,
123, A B Road, Delhi                 .........................................  Plaintiff

Vs.

M. N. s/o O. P.
A minor through his guardian  O. P.
456, A B Road, Delhi                 .........................................  Respondent

Suit for XXX

The plaintiff respectfully states as follows : -

(1) Plaintiff is a Govt. Servant working in Delhi. and so on
...
...
(12) Relief Claimed:

The plaintiff prays that the court be pleased to order the respondent to perform his part of the contract by transferring the said plot to the plaintiff.
The plaintiff further prays that the respondent be ordered to pay compensation for mental harrasment, loss of wages, and cost of this litigation.

Place: ………………….                                                                            (Signature of the next friend on behalf of minor)
Date: …………………..

          YYY
Advocate for Plaintiff

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 12 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature of next friend)
Plaintiff  through Next Friend

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Format of a Written Statement

Important points to remember-

Written Statement is the response given by the defendant/respondent in a Civil Suit.
Format of a Written Statement is governed by Order VI (Pleading) and Order VIII (Written Statement) CPC.
Heading/Title/Signature/Verification part is all same as in a Plaint.
The content/matter of the WS is written in points that correspond to the points mentioned in the Plaint.
Each point in WS should accept or refute the allegations given in the same point of the plaint.
A WS may also contains new points, objections to jurisdiction, pre-emptory pleas, dialatory pleas, etc.
A WS must also raise any set-off or counter-claim if any.

In the Court of Civil Judge at Delhi

Suit No. 1234 / 2009.
A. B. s/o B. C.
123, M G Road,  Delhi                           .........................................  Plaintiff

Vs.

M. N. s/o O. P.
456, M G Road, Delhi                            .........................................  Respondent

Written Statement of the Respondent under Order 8 Rule 1
(or Written Statement on behalf of all the Respondents)
The respondent(s) respectfully state(s) as follows : -

(1) Para no. 1 of the plaint is admitted and needs no reply.
(2) Para no. 2 of the plaint is admitted and needs no reply.

(Facts constituting cause of action)
(3) Para no. 3 of the plaint is admitted and needs no reply.
(4) Para no. 4 of the plaint is admitted and needs no reply.
(5)  Para no. 5 of the plaint is denied and not admitted because the contract referred to by the plaintiff in Para no. 3 clearly specifies that the balance amount must be paid by 10/10/2008, failing which the agreement shall terminate and the buyer shall forfeit the initial deposit. However, the plaintiff never made the balance payment.
...
(Jurisdiction/Optional)
(10) The market value of the plot is more than 5,00,000/- and so this court has no jurisdiction to try this case.
(11) The plot is situated in Dewas, MP and so this court has no jurisdiction to try this case.

(12) The respondent therefore prays that the suit be dismissed with costs.

Place: ………………….                                                                            (Signature of the respondent)
Date: …………………..

                                                                                                                    Advocate for Respondent

Verification

 I, \_\_\_\_\_\_, do hereby verify that the contents from paras 1 to 12 are correct and true to the best of my knowledge and personal belief and no part of it is false and nothing material has been concealed therein. Affirmed at Indore this 4th Day of September 2014.

(Signature)
Respondent