

CHAPTER XIV
Suits by or Against Minors and Persons of Unsound Mind

1. Admission of next friend to bring a suit formal order unnecessary—When a suit is brought on behalf of a minor, the next friend shall make an affidavit, to be presented with the plaint in the suit, that he has no interest directly or indirectly adverse to that of the minor, and that he is otherwise a fit and proper person to act as such next friend. The age of the minor shall also be stated. No formal appointment of the person instituting the suit as next friend need be made.

2. Next friend to file address for service—(a) The next friend shall file along with the plaint a memorandum in writing stating his address for service.

(b) If the next friend fails to file his address for service as aforesaid or within such further time as the Registrar may allow, the plaint shall not be admitted.

3. List of all likely guardians *ad litem* to be filed—(a) In suits where the defendant is a minor, the plaintiff shall file with the plaint a list of relatives and all other persons with correct addresses, who *prima facie* are most likely to be capable of acting as guardian for the minor defendant in the suit.

(b) A notice shall issue simultaneously to all such persons, single process fee being levied. Such persons shall be deemed to be unwilling to act as guardian *ad litem*, if, after service of notice, they fail to appear on date fixed.

(c) If the persons specified in the list filed under sub-rule (1) are unwillingly act as guardian *ad litem*, the Registrar may, if there be more defendants than one and their interests are not adverse to the minor, appoint one of such defendants who may be willing to act as guardian *ad litem*; or may appoint forthwith one of the officers of the Court as such guardian *ad litem*.

4. Address for service of guardian *ad litem*—Every guardian *ad litem* of a defendant other than an officer of the Court, shall, *within seven days* of the order of his appointment as such or within such further time as the Registrar may allow, file in Court a memorandum in writing stating his address for service. Failure on his part to do so may be deemed sufficient ground for removing him under Rule II of Order XXXII of the Code.

5. Application of Rules 1 to 4 to persons of unsound mind and to appeals and applications—The provisions contained in this Chapter so far as they may be applicable extend *mutatis mutandis* to persons adjudged to be of un-sound mind and to persons who, though not so adjudged are found by the Court, on enquiry to be incapable of protecting their interests when

suing or being sued by reason of unsoundness of mind or mental infirmity. These provisions shall apply to appeals and applications connected therewith.