

he may deem necessary to be instituted, may get a special *quasi* curatorship authority from the court limited to that one action only. This last is the object of the proviso to section 582. Certificate of curatorship is necessary only for actions instituted or defended by a curator in his own name *qua* curator, and is not necessary for actions instituted (or defended) "by a minor by his next friend" (or guardian *ad litem*).

As regards the ground that no inquiry has been made as to the value of property, there seems to be some confusion. It would not have been necessary at all to inquire as to the value of a minor's property when application was made that a next friend or guardian should be appointed to aid him in litigation. Such inquiry need be made only when it is sought to appoint a curator generally or for the limited purpose contemplated by section 582 (proviso). But in this action the objection taken by defendant concerning value of property is that plaintiffs, as a body, could not sue without having administered their mother's estate, and this no doubt the Judge will yet have to determine according as he shall find what is the value of her estate.

The appointment of the next friend being otherwise unquestioned, this order must be set aside, but without costs, and the action remitted for trial.

WITHERS, J.—

The order complained of is one directing that the case be taken off the trial roll to enable the first plaintiff to obtain the requisite authority to sue under the 582nd section of the Civil Procedure Code.

The action is to recover lands alleged to be in the unlawful possession of the defendants. It is brought by the husband of one Pitcha Uma, deceased, to whose estate in the premises he and their children have (it is alleged) succeeded on intestacy.

The father sues for his own interest, and he claims to sue as the next friend of two of his children, the fifth and sixth plaintiffs. He himself is the first plaintiff, and his order of appointment as next friend is to be found at page 44.

The defendants appeared to the summons issued on the acceptance of the plaint and answered.

The trial was fixed for the 4th September. On that day the District Judge, of his own motion, called on the plaintiffs' Proctor to show cause why the plaintiffs' action should not be dismissed, on the ground that first plaintiff's appointment as next friend is invalid by reason of no certificate having been obtained under the