

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2015

CORAM

THE HONOURABLE MR.**JUSTICE D.HARIPARANTHAMAN**

**CRP (PD) No.3218 of 2015
and M.P.No.1 of 2015**

1.Ezhilrasi
2.Varadhan

... Petitioners

VS.

S.Umapathy

... Respondent

Civil Revision Petition has been filed against the order dated 03.07.2015 made in I.A.No.4193 of 2015 in OS.No.4922 of 2010 on the file of XI Assistant City Civil Court, Chennai.

For Petitioners : Mr.V.Raghavachari

For Respondent : Mr.S.Diwakar for
M/s.M.V.Muralidaran

ORDER

The revision petitioners are the defendants in OS.No.4922/2010 on the file of XI Assistant City Civil Judge, Chennai. The respondent herein is the plaintiff therein. The details of the suit are not necessary for disposal of this Revision Petition.

2.Pending suit, the revision petitioners filed IA.No.4193/2015 in OS.No.4922/2010 to eschew the evidence of PW1 who is the registered power of attorney agent of the plaintiff – S.Umapathy.

3.The trial court rejected the aforesaid application. Hence, the revision petitioners filed the present Revision Petition against the said order.

4.Heard both sides.

5.The learned counsel for the revision petitioners vehemently contended that PW1, who is the power of attorney agent of the principal/plaintiff in the suit, is not a competent person to speak about the facts of the suit for various reasons and hence, the revision petitioners filed the aforesaid application to eschew the evidence of PW1.

6.I am of the view that it is for the plaintiff to decide whether P.W.1 power agent is sufficient enough to speak for him, through whom he is represented and further it is for the revision petitioners to discredit PW1 by way of cross examination to the effect that he could not speak about the facts as contained in the plaint.

7.When this Court expressed the aforesaid view, the learned counsel for the revision petitioners submitted that the same may be recorded and the civil revision petition may be disposed.

8.In the said circumstances, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2015

Index:Yes
rk

To

1.The XI Assistant City Civil Judge, Chennai.

D.HARIPARANTHAMAN, J.

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