

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM:

THE HON'BLE MR.JUSTICE D.HARIPARANTHAMAN

CRP (PD) No.3830 of 2015

and

M.P.No.1 of 2015

Devan @ Jeyadevan

... Petitioner

Vs.

1. M.C.T.Pethachi
2. Kamala Muthaiyah
3. D.Aarthi Menakshi Muthiayah
4. J.Nandhini Valli
R1 to R4 are represented by
their sole General Power of
Attorney Agent
M.Sridharan

5. The Tahsildhar,
Tiruttani Taluk,
Tiruvallur District.

... Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India against the Judgment and Decree dated 26.06.2015 passed in I.A.No.63 of 2015 in O.S.No.11 of 2013 on the file of the Sub Court, Tiruttani.

For Petitioner : Mr.S.Udhayakumar

ORDER

The revision petitioner is the first defendant in O.S.No.11 of 2013 on the file of the Sub Court, Tiruttani. The respondents 1 to 4 herein are the plaintiffs therein.

2. The respondents 1 to 4 herein, while filing O.S.No.11 of 2013, filed I.A.No.63 of 2015 in O.S.No.11 of 2013 under Order 3 Rule 2 read with Section 94(e) of C.P.C. to permit the General Power of Attorney Agent of the plaintiffs, namely, Mr.R.Sridharan, to appear, prosecute and act on behalf of them in the suit in accordance with the General Power Deed dated 21.11.2014. The Trial Court allowed I.A.No.63 of 2015 in O.S.No.11 of 2013 by an order dated 26.06.2015. Aggrieved against the same, this Civil Revision Petition has been filed.

3. The learned counsel appearing for the revision petitioner has vehemently contended that the Trial Court has committed an error in allowing the application thereby permitting the Power Agent to prosecute the suit on behalf of the plaintiffs, since the General Power Deed is an unregistered one.

4. I have considered the submissions made by the learned counsel for the revision petitioner.

5. It is true that the General Power Deed is an unregistered one. The same was also brought to the notice of the Trial Court for rejecting the application in I.A.No.63 of 2015 in O.S.No.11 of 2013.

6. The trial Court has held that the General Power Deed need not be registered for prosecuting the case alone and no right over the property is conferred in the deed. It is useful to extract the following passage and the same is extracted hereunder:

“On considering both sides submissions and on keen perusal of the G.P.A. the plaintiff's are given right to the petitioner only to conduct this case not given any right over the property hence the G.P.A. is need not to be registered one.

In the result this petition is allowed.”

In view of the aforesaid reasoning, the Trial Court thought it fit to allow the Power Agent to prosecute the suit.

7. In my view, no prejudice is caused to the revision petitioner, since the power was given to the Agent of the plaintiffs to prosecute the suit. It is not the case of the revision petitioner that the deed itself is a forged one and no power was given by the plaintiffs. The only reason is that it is an unregistered document. In my view, the document need not be registered for conducting the case alone. Hence, I do not find any infirmity in the order of the Trial Court. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.10.2015

D.HARIPARANTHAMAN, J.

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To

The Sub Court,
Tiruttani.

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