

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CRP.No.936 of 2015

ORDER :

This Revision is filed under Article 227 of the Constitution of India challenging the order dt.10.02.2015 in I.A.No.57 of 2015 in O.S.No.42 of 2007 on the file of III Additional District Judge, Bhimavaram.

2. The petitioner had filed the said suit for specific performance of an agreement of sale dt.22.02.2007 against the respondent. He had been examined as a witness in the suit and it is coming up for arguments. In the mean time, he had been imprisoned in the Central Prison at Rajahmundry pursuant to a conviction in a criminal case filed by a third party.

3. Petitioner, therefore, filed I.A.No.57 of 2015 contending that he had executed a Special Power of Attorney authorizing his Power of Attorney Holder to look after the suit affairs and therefore, the Court below should permit the Special Power of Attorney of plaintiff to continue the suit proceedings on his behalf by making necessary amendments in the plaint.

4. This application is dismissed by the Court below stating that the matter is posted for arguments of both sides and the entire evidence has been closed and at this

stage, it is not permissible for petitioner to be allowed to continue the proceedings.

5. Challenging the same, the present Revision is filed.

6. Heard Sri Y. Ramatirtha, counsel for petitioner. None appears for respondent.

7. Although the counsel for petitioner assails the correctness of this order, he does not dispute the fact that the suit is coming up for arguments. At that stage, neither the petitioner nor his General Power of Attorney would have much of a role as the arguments in the suit would be advanced by the counsel already appointed by petitioner.

8. Therefore, I am of the opinion that the Court below is correct in not permitting at this stage the petitioner to be represented by Special Power of Attorney holder. I therefore see no merit in the Revision and it is accordingly dismissed. No order as to costs.

9. It is made clear that after the suit has been decided, it is open to the Special Power of Attorney holder to take such steps as are necessary to act on behalf of petitioner either to challenge the judgment in appeal if it goes against petitioner, or to file applications for execution of the decree in case the suit is decreed in favour of petitioner, in accordance with law.

10. As a sequel, miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26-06-2015

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