

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.3337 of 2014

And

M.P.No.1 of 2014

N.Krishnaveni
Power of Attorney
on behalf of Nataraja Mudaliar ... Petitioner

Vs.

1.Velu
M.Chandirasekaran @ Thammalan (died)
2.M.Baskaran
3.Girijammal
4.R.Subramaniyan
5.A.Gnanasekar ... Respondents

Prayer:

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.403 of 2013, dated 14.03.2014 in O.S.No.126 of 2009 on the file of District Munsif cum Judicial Magistrate, Uthangarai, Krishnagiri District.

For Petitioner : Mr.PA.Sudesh Kumar
For Respondents : Mr.K.Thiruvengadam

O R D E R

The petitioner filed an Interlocutory Application in I.A.No.403 of 2013 to receive the Power of Attorney on behalf of the plaintiff to

conduct the proceedings. The application was partly allowed by the Trial Court with an observation that she would be permitted to give evidence relating to the Power of Attorney alone. It was indicated that she would not be permitted to give evidence on behalf of the Principal with regard to facts which are personal to him. Feeling aggrieved by the observation made by the Trial Court, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner filed an Interlocutory Application before the Trial Court along with a Power of Attorney executed by the plaintiff who is none other than her father. It is true that the power agent would be entitled to depose only in respect of the matters which are within her knowledge. The learned Trial Judge even before tendering evidence by the petitioner, made an observation that she could not give evidence on behalf of the Principal in respect of facts which are personal to him.

4. The evidence tendered by the petitioner in her capacity as the power agent of the plaintiff has to be considered by the Trial Court at

a later point of time.

5.After hearing the learned counsel appearing for the parties, I consider it deem and fit to clarify the order passed by the learned Trial Judge.

6.The learned Trial Judge is directed to permit the petitioner to give evidence in her capacity as power agent. The evidentiary value of the evidence so tendered by her shall be decided by the learned Trial Judge taking into account the background facts including the relief claimed in the civil suit.

7.The Civil Revision Petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

08.11.2016

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Index: Yes/ No
Internet: Yes/ No

To

1.The District Munsif cum Judicial Magistrate,
Uthangarai, Krishnagiri District.

K.K.SASIDHARAN,J.
pri

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