

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2026 of 2016

and

C.M.P.No.10559 of 2016

T.Nagarajan
S/o.Thrumaya Gowder

... Petitioner

vs

1.Dhruv Kumar Gupta
S/o.Mahinder Kumar Gupta

2.Bharat Kumar Gupta
S/o.Mahindra Kumar Gupta

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 08.02.2016 made in the memo filed by first respondent/plaintiff in O.S.No.646 of 2010 on the file of I Additional District Judge, Coimbatore.

For Petitioner : Mr.N.Damodaran

ORDER

This revision arises against the order dated 08.02.2016 made in the memo filed by first respondent/plaintiff in O.S.No.646 of 2010 on the file of I Additional District Judge, Coimbatore.

2. Heard counsel for petitioner.

3. First Respondent/plaintiff has filed O.S.No.646 of 2010 on the file of I Additional District Judge, Coimbatore, seeking partition. In such suit, plaintiff has filed a memo seeking an order towards receiving the photo copy of the purported Power of Attorney dated 27.09.2009 allegedly executed by the plaintiff in favour of the first defendant. The Court below, under orders dated 31.07.2015, directed reconstruction of the Power of Attorney dated 27.09.2009 after obtaining orders from this Court and in keeping with the orders of this Court, the copy of Power of Attorney is taken on file on 08.02.2016. This Court finds no error in the approach adopted by the Court below in circumstance where the original power of attorney has been produced in Court during cross examination of a witness and inexplicably has gone missing.

The Civil Revision Petition, accordingly, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.07.2016

Index:yes/no
Internet:yes
gm

To

The I Additional District Judge,
Coimbatore.

C.T.SELVAM, J

gm

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