

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **22.12.2016**

CORAM:

THE HONOURABLE MRS.**JUSTICE PUSHPA SATHYANARAYANA**

C.R.P.(P.D.) No.2610 of 2016 and
C.M.P.No.13451 of 2016

P.Ramalingam

...Petitioner

versus

1. Krishnamurthy

2. Natarajan

3. Senthilvel

4. Shanthi

5. Manoharan

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.06.2016 made in I.A.No.345/2014 in O.S.No.242/2010 on the file of the District Munsif, Sirkali.

For Petitioner : M/s.V.V.Sathya

For Respondents : Mr.V.Manohar

1 to 3

For Respondents 4&5: No appearance

ORDER

The 1st defendant in the suit has sought permission under Order III to represent himself through Power of Attorney. The said application was dismissed by the learned District Munsif, Sirkazhi, which is now under challenge.

2. The Power of Attorney document itself has specifically stated that the 1st defendant is to travel outside the country often and therefore, he has given the power to the power agent. The learned Judge has exceeded his jurisdiction in stating that the 1st defendant ought to have disclosed as to what job he is doing and which are the countries he is travelling and whether he has filed his copy of the passport. These details were already stated in the Power of Attorney document itself and need not be mentioned in the petition. The proper execution of the power of attorney validity has to be seen by the trial court. A copy of the power of attorney attached to the typed set reveals that the same has been executed on 02.06.2014 by the 1st defendant Manoharan in favour of his power of attorney P.Ramalingam. The said power of attorney also specifically empowers the agent to conduct the suit on his behalf. Hence, the dismissal of the application by the learned Judge suffers from infirmity and the same is

set aside and the Civil Revision Petition is allowed. No costs.

Consequently, connected Miscellaneous Petition is closed.

22.12.2016

Index:Yes/No
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To

The District Munsif, Sirkali.

PUSHPA SATHYANARAYANA, J

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