

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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CIVIL REVISION PETITION No.1979 OF 2016

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ORDER:

The present revision is filed challenging the order dated 08.03.2016 passed in I.A.No.558 of 2014 in O.S.No.8 of 2009 by the Principal Junior Civil Judge, Huzurabad, wherein the husband of the plaintiff was permitted to appear, act and depose on behalf of the plaintiff as GPA holder in the above suit.

2. The averments in the affidavit filed in support of I.A., would show that the plaintiff who is the wife of petitioner in I.A., filed a suit against respondents in respect of suit schedule property. As Plaintiff had an attack of paralysis and as she is unable to speak and move from the bed, executed a registered General Power of Attorney in favour of her husband vide registered document No.13/2014 dated 26.06.2014 by appointing her husband as GPA to do and execute any of the acts or things connected with the suits pending before the Court, as he is having personal knowledge about the suit schedule property.

3. A counter came to be filed opposing the same. It has been stated that there is no evidence brought on record to show that the plaintiff suffered from paralysis, and that the husband of the plaintiff is desired to proceed with the suit on behalf of the plaintiff contrary to her interest.

4. Taking into consideration the rival claims of the parties, the trial Court allowed the I.A.

5. Learned counsel for the petitioner submits that no material has been placed before the Court to show that the plaintiff suffered paralysis and unable to speak and move from bed. He further submits that the GPA does not authorise the husband of the plaintiff to depose

and give evidence on behalf of the plaintiff.

6. A perusal of the impugned order shows that the plaintiff suffered paralysis due to which she is unable to speak and move from bed. The material on record undisputedly show that the registered GPA executed on 26.06.2014 was not cancelled and is still subsisting in favour of the husband of the plaintiff and no other person is given such authorization. The petitioner herein can challenge the credibility and admissibility of the evidence of the husband of the plaintiff vis-à-vis the health condition of the plaintiff before the trial Court during the course of trial. Hence, I see no reason to interfere with the impugned order.

7. Accordingly, the C.R.P., is dismissed. No costs.

Miscellaneous Petitions, if any, pending in this revision shall stand closed.

JUSTICE C. PRAVEEN KUMAR

Date:28.04.2016

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CIVIL REVISION PETITION No.1979 OF 2016

Dated : 28.04.2016

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