

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Civil Revision Petition No.3870 of 2016

ORDER:

This civil revision petition under Article 227 of the Constitution of India by the petitioner/ GPA holder of the plaintiff is directed against the order dated 22.06.2016 of the learned Junior Civil Judge at Narayanpet passed in IA.no.328 of 2015 in OS.no.22 of 2007 filed under Rule 32 of Civil Rules of Practice read with Section 151 of the Code of Civil Procedure for permission to the GPA holder to represent the plaintiff and give evidence and to take all further necessary steps in the suit.

I have heard the submissions of the learned counsel for the revision petitioner at the stage of admission. I have perused the material record.

Be it noted that the aforementioned application is resisted by the defendant by filing a counter. The trial Court dismissed the application by the order impugned in this revision, *inter alia*, holding that the GPA holder has not satisfied the requirements of law and that the power of attorney holder of the plaintiff cannot be permitted to give evidence; and in support of the said finding the Court below placed reliance on a decision of this Court in Kanakapudi Bharathi v. Authority under Section 50 of A.P.S.E Act-cum-Labour Officer, Machilipatnam [1999 (3) ALD 420].

The learned counsel for the petitioner would submit that the GPA holder is duly appointed by the plaintiff by virtue of a special power of attorney dated 22.06.2015 and that the plaintiff authorized her said agent to represent her in the suit and appear on her behalf in the capacity of a GPA holder and that the said power of attorney is subsisting. However, he fairly concedes that the cause title in the application filed before the trial Court is not correctly shown and that the power of attorney holder ought not to have sought permission

simultaneously to give evidence as his *locus standi* to give evidence on behalf of the principal depends upon facts and circumstances of the case and also the further fact that whether or not he is conversant personally with the facts concerning the *lis*. Therefore, he seeks permission to file a fresh application before the trial Court by limiting the relief as required under facts and law and further submits that this revision may be disposed of giving liberty to file a fresh application in accordance with law.

Having regard to the submissions, this Court is satisfied that this CRP can be disposed of granting leave as sought for.

In the result, the Civil Revision Petition is disposed of setting aside the order impugned in this revision. However, the GPA holder of the plaintiff is at liberty to file a fresh application in accordance with law for fresh consideration by the Court below. It is made clear that if the GPA holder of the plaintiff files a fresh application pursuant to this order, the same shall be disposed of after giving an opportunity to the defendant to file counter and in strict accordance with the procedure established by law, however, uninfluenced by the observations in the order impugned in this revision.

No order as to costs.

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

JUSTICE M. SEETHARAMA MURTI

19.08.2016
Vjl