

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

CRP(PD)No.1882 of 2017
and
CMP.No.9069 of 2017

P.M.Jameel Ahmed Sahib

.. Petitioner

..Vs..

1. P.M.Ahamed Begum Sahiba

2. L.A.Mohd. Abdul Khader

..Respondents

Prayer:-

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order dated 09-12-2016, made in I.A.No.9 of 2016 in R.C.O.P.NO.11 of 2015, on the file of the learned Principal District Munsif, Ambur, Vellore District.

For Petitioner : Mr.S.T.Varadarajulu

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ORDER

This petition is filed to set aside the order dated 09-12-2016, made in I.A.No.9 of 2016 in R.C.O.P.No.11 of 2015, on the file of the learned Principal District Munsif, Ambur, Vellore District.

2. The 1st respondent is the petitioner in R.C.O.P.No.11 of 2015, the 1st respondent filed the above R.C.O.P. against the petitioner and 2nd respondent for eviction on the ground of wilful default. The petitioner filed counter statement and is contesting the R.C.O.P. Trial commenced. The 1st respondent has given a power of attorney to her son, namely, Imthiyaz Ahmed to conduct the case. The power of attorney filed I.A.No.9 of 2016 for granting permission to him as power of attorney agent to appear, conduct the case and to give oral and documentary evidence and mark the documents and to file application on behalf of Principal, Ahamed Begum.

3. The petitioner filed counter and submitted that the 1st respondent herself appeared before the Lok Adalat. The petitioner is denying the title of the 1st respondent and only if she appears before court, the issues can be decided and prayed for dismissal.

4. The learned Judge considering the contention of the 1st respondent that she is a aged lady and has appointed her son as power agent and that question of title has to be considered incidentally while considering the main petition for eviction.

5. Against the order dated 09.12.2016, made in I.A.No.9 of 2016 in R.C.O.P.No.11 of 2015, on the file of learned Principal District Munsif, Ambur, Vellore District, the present civil revision petition is filed.

6. Heard the learned counsel for the petitioner and perused the entire materials on record.

7. It is in disputed that the 1st respondent is a aged lady and due to her old age, she is not able to conduct the case. The power of attorney appointed by her is none other her own son. In the circumstances, there is no illegality or irregularity in the order of the Learned Judge permitting the power agent to conduct the case on behalf of the principal, Ahamed Begum.

8. In view of the above reasons, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.06.2017

sjj/ssd

Index :Yes / No

Internet:Yes / No

Speaking Order/Non Speaking Order

V.M.VELUMANI,J

sjj

To

The Principal Munsif Judge,
Ambur,
Vellore District.



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