

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2017

CORAM

THE HON'BLE MR.JUSTICE **D. KRISHNAKUMAR**

**C.R.P.(PD) No.3879 of 2017
and C.M.P.No.18126 of 2017**

M.Prabhakar Reddy ..Petitioner/1st Defendant

Vs.

Maxworth Home Ltd.
Rep. By its authorized signatory
Mr.V.Sivakumar ..Respondent/Plaintiff

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 9.08.2017 in I.A.No.651 of 2016 in O.S.No.801 of 2013 on the file of the Principal District Munsif, Alandur.

For Petitioner : Mr.Paul,
Sr. Counsel for
M/s.Paul and Paul
For Respondent : Mr. G.Sundaram

ORDER

According to the petitioner, the respondent herein has filed suit in O.S.No.801 of 2013 before the Principal District Munsif, Alandur for declaration and injunction against the revision petitioner. In the aforesaid suit, the petitioner has filed an application in I.A.No.651 of 2016 to recognise the petitioner as the attorney of the first defendant to defend the suit on behalf of the first defendant and to depose evidence since the first defendant is residing outside India and the same was dismissed by the trial court. Hence, the present Civil revision petition has been filed before this Court.

2 Heard the learned counsel for the petitioner, the learned counsel for the respondent and perused the materials on record.

3 According to the petitioner, application in I.A.No.651 of 2015 has been filed under Order III Rule 3 C.P.C. to recognise the petitioner as Power of attorney of the first defendant only for limited purpose to defend the suit posted for evidence. At the time of admission, the learned Senior counsel for the petitioner would submit that since the petitioner relied upon the Power of Attorney, dated 27.8.2012, respondent objected the said application. Therefore, the revision petitioner obtained affidavit, dated 6.12.2017 from the first

defendant viz., M.Prabhakar Reddy and the same has been filed before this Court. The counsel for the respondent has no serious objection for allowing the application. However, the aforesaid power of attorney shall be used only for the purpose of representing before the Court and the authority.

4 In the light of the affidavit filed by the first defendant and the submission made by the parties, order passed by the court below is set aside and remanded back to the trial court to consider the affidavit filed on behalf of the first defendant and pass appropriate orders in I.A.No.651 of 2015.

5. In the result, the Civil revision petition stands allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

18.12.2017

Speaking/Non Speaking order

Index: Yes/No

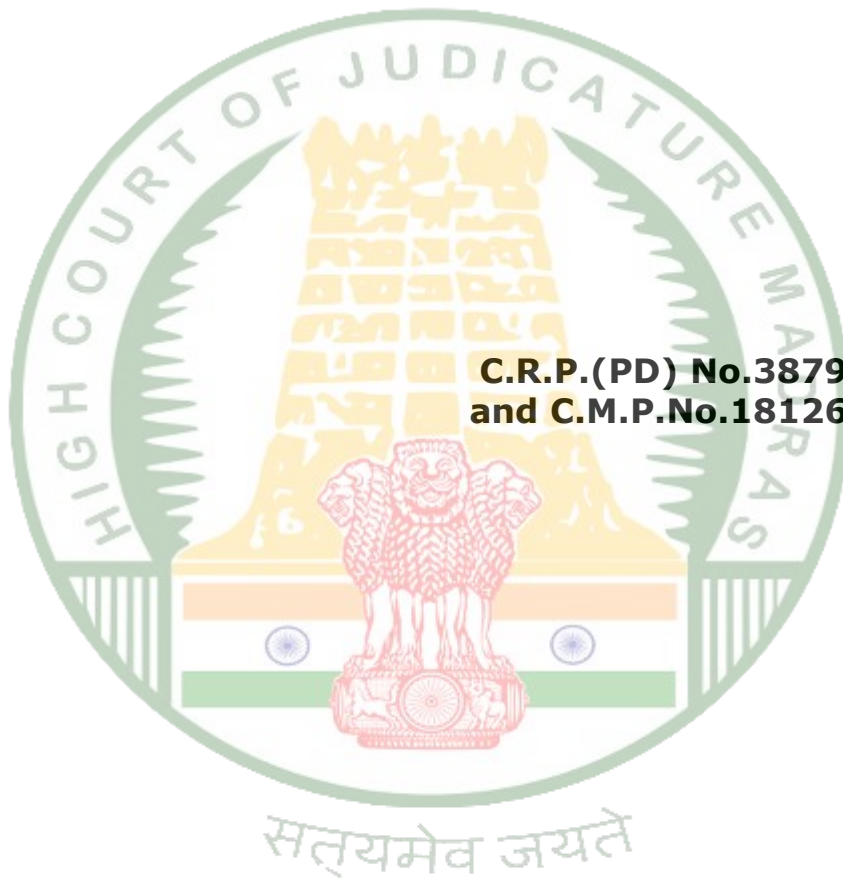
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To

The Principal District Munsif, Alandur.

D.KRISHNAKUMAR.J,



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