



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP(PD) (MD) No.912 of 2017

Mariappan

... Petitioner/Plaintiff

vs.

- 1) Pitchammal
- 2) Petchimuthu
- 3) Arumuga Nainar
- 4) Sudalaimani
- 5) Ganesan
- 6) Sarawathi
- 7) Jeyalakshmi
- 8) Paramasivan
- 9) Jeyaraman

... Respondents/Defendants

Petition filed under Article 227 of the Constitution of India, against the order dated 02.03.2017 made in G.No.2095/16 in unnumbered O.S.No. of 2016 on the file of the District Munsif, Sathankulam.

For Petitioner : Mr.R.Vijayakumar

ORDER

The revision petitioner who is aggrieved by the cancellation of the general power of attorney executed by the defendants in his favour has resorted to civil remedy by way of filing the suit to declare the cancellation of general power of attorney without notice as null and void, since the alleged general power of attorney coupled with interest and possession was also handed over to the power agent after receiving substantial sale consideration.

2.It is also averred in the plaint that the parent document of the property has also been handed over to the power agent pursuant to the power of attorney deed.

3.The Trial Court has returned the plaint on two grounds:-

(i) The principal having terminated the power of attorney, how the suit is maintainable?



(ii) Whether the Munsif Court has pecuniary jurisdiction in the subject matter?

4. Relying upon the judgment of this Court rendered in ***T.Sivaperumal vs. S.Viswanathan (S.A(MD)No.1165 of 2011, dated 19.04.2013)***, the learned counsel for the revision petitioner submits that once possession is delivered to the power agent along with original title deed, the validity of cancellation of the power of attorney document without notice can be tested by the Civil Court.

5. In the light of the above judgment, the order dated 02.03.2017 made in G.No.2095/16 in unnumbered O.S.No. Of 2016 is set aside and the learned District Munsif, Sathankulam, is directed to consider the plaint in the light of the judgment cited supra. If it is in order and falls within the pecuniary and territorial jurisdiction of that Court, take the plaint on file and proceed in accordance with law.

6. With the above direction, this Civil Revision Petition is allowed. Registry is directed to return the original plaint filed along with this revision to the counsel for the petitioner after getting attesting copy of the same, for re-presenting it within 45 days. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Sathankulam.

+1cc to Mr.R.Vijayakumar, Advocate Sr.No.53711

nbi

vb/mms/04.05.2017/2p/3c

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