



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2017**

WEB COPY

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P.(MD) No.924 of 2017 (PD)

and

C.M.P.(MD) No. 4041 of 2017

K.Kailasam

.. Petitioner/Respondent/Defendant

Vs.

Srinivasa Public Charitable Educational Trust,
Rep by its Managing Trustee Mr.R.Srinivasa Rao,
S/o. Late. N.S.Ramachandran Rao,
Having his office at
No.519, 13th Cross Street,
Mogappair,
ERI Scheme, Chennai - 37.

.. Respondent/Petitioner/Plaintiff

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair order and decreetal order dated 20.02.2017 passed in I.A.No.13 of 2017 in O.S.No.452 of 2013 on the file of the 1st Additional District Munsiff Court, Kumbakonam.

For Petitioner

:: Mr.C.Herold Singh

O R D E R

This revision petition is directed against the order passed by the Trial Court permitting the plaintiff to be represented by a power agent in view of his old age and location.

2. Aggrieved by the same, the defendant in the suit has preferred this revision petition under Article 227 of the Constitution of India, on the ground that the reason for appointing power agent is un-sustainable and if at all, the plaintiff who claims to be the Managing Trustee of the Trust, is unable to travel from Chennai to Kumbakonam, he can examine himself through an Advocate Commissioner and he can also contest through his counsel, but it is unnecessary to appoint a power agent.



3.This Court is not able to accept the said submission, since it is the option of the litigant to contest the case on his own, or for some reason, if he is not able to attend the Court, he can appoint a power agent, as per Order 3 Rule 2 of CPC. The only limitation for a power agent is in respect of deposing on behalf of the principal. He cannot speak anything beyond the facts which are not within his personal knowledge. We cannot for see now that the power agent will be deposing something more than what he personally knows.

4.For contesting the suit, an old man, aged about 84 years seeks assistance of the power agent. This Court finds no illegality or error in it. The Trial Court has rightly allowed the application. There is no ground to entertain the Revision Petition under Article 227 of the Constitution of India, since the order of the Trial Court is in order and within its jurisdiction.

5.Hence, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition CMP(MD)No.4041 of 2017 stands closed. No Costs.

SD /-
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

The Additional District Munsif,
Kumbakonam.

GK/MM
MAS/JC:15.05.2017:2P-2C

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