

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.487 OF 2013

ORDER:

This Civil Revision Petition is filed by the petitioners/plaintiffs under Article 227 of the Constitution of India challenging the order, dated 05-12-2012 passed in I.A.No.686 of 2012 in O.S.No.199 of 2008 by the Junior Civil Judge, Gajuwaka.

2. Petitioners herein are the plaintiffs, whereas the respondents herein are the defendants in O.S.No.199 of 2008, which was filed for perpetual injunction.

3. Pending suit, the petitioners herein filed the above interlocutory application under Order I Rule 10 (2) CPC r/w 28 of Civil Rules of Practice to implead the 3rd petitioner as 3rd plaintiff in the suit and the said application was dismissed by the trial Court. Hence, this revision.

4. As seen from the record, it is clear that Kada Gowresh (1st petitioner herein) filed the above application to implead one Kada Appala Raju (3rd petitioner herein) as General Power of Attorney Holder of the 1st petitioner alleging that his brother was at Qutar on employment during 2008 and in his absence, the 1st petitioner being the elder member of family, used to look after the family affairs. Again on 23-11-2011 he left for Abudhabi on employment and while he was in India, he was examined as P.W.6 in the suit. While leaving for abroad, he executed a General Power of Attorney in his favour on 09-11-2011 to prosecute the suit. He filed the copy of the General Power of Attorney.

5. The application was opposed before the trial Court and the trial Court passed an elaborate order.

6. In the present case, during the course of hearing, learned counsel for the petitioners reiterated the contentions urged before the trial Court and permit Kada Gowresh to implead 3rd petitioner as 3rd plaintiff in the suit, who executed General Power of Attorney in favour of the 1st petitioner.

7. It is the contention of the petitioners that the 3rd petitioner executed G.P.A. in favour of Kada Gowresh on 09-11-2011 and it is subsisting. The relationship between the parties to the power of attorney is only a principal and agent, to act and represent. The 1st petitioner being the agent can represent the 3rd petitioner, the principal under the power of attorney. When the 1st petitioner is acting as an agent of the 3rd petitioner being the power of attorney holder, the 3rd petitioner cannot be impleaded as a party to the proceedings. But, the Court can recognize his authorization and permit him to represent the 3rd petitioner-Kada Appala Raju subject to compliance of Rule 33 of Civil Rules of Practice, but the 3rd petitioner cannot come on record as a party to the suit while continuing as 1st plaintiff in the suit. Therefore, the order passed by the trial Court does not suffer from any illegality and it is in accordance with law. Hence, I do not find any grounds to interfere with the order, impugned, by exercising the jurisdiction under Article 227 of the Constitution of India.

8. Accordingly, the Civil Revision Petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending, in this civil revision petition shall stand closed.

M.SATYANARAYANA MURTHY, J

DATED: 16-06-2017.

Hsd