

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.6002,
6033, 6067 and 6102 of 2017

Common Order:

These revisions arise out of the orders of the Trial Court allowing two sets of applications, one for reopening and another for recalling P.W.1 for cross-examination, filed by the defendants 1 and 2 separately.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner.

3. Admittedly, P.W.1 was not cross-examined earlier. The claim of the petitioner is that she is residing abroad and was not posted with the full details. Taking into account the same, the Court below has allowed the applications for reopening and recall.

4. The objection of the learned counsel for the petitioner to the order of the Trial Court is that the Affidavits in support of the applications for reopening and recall were filed by a person claiming to be the Special Power Agent. The deed of power was not even filed before the Court. Therefore, the learned counsel contends that the applications could not have been entertained and allowed.

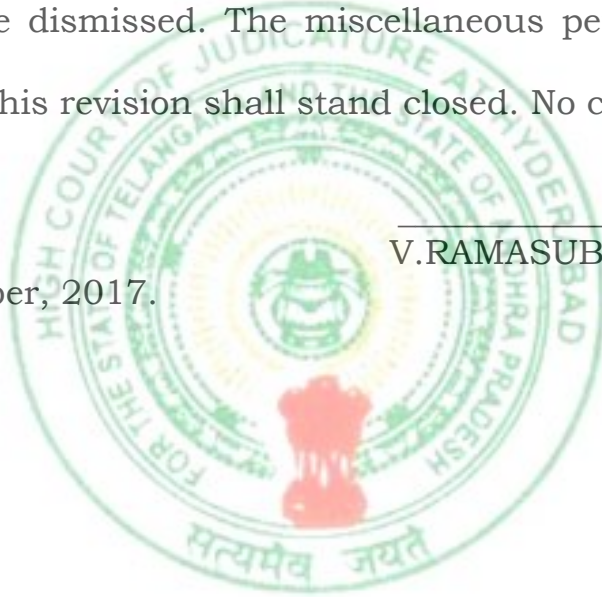
5. It is seen from the Affidavit filed on behalf of the respondents that it was filed by the Special Power Agent. But nevertheless, the respondents had engaged their counsel and are contesting the proceedings by themselves and not

through the Power Agent. Only if a party to a suit, is to prosecute a proceeding through a Power Agent, then the provisions of Order III, Rule 1 CPC have to be invoked. For filing an application during the course of the proceedings, the provisions of Order III CPC may not have any application. If in case the Power Agent seeks to prosecute the matter further, then in such a case, the procedure prescribed by Order III, Rule 1 CPC has to be followed.

6. With the above observations, all the civil revision petitions are dismissed. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

10th November, 2017.
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V.RAMASUBRAMANIAN, J.



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