

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2018

CORAM

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

CRP(NPD).No.48/2018 & CMP.No.179 & 180/2018

S.Mukanchand Bothra
rep.by its Son & P.O.A
M.Gagan Bothra

..Petitioner

Vs.

Mr.Balamanan

..Respondent

PRAYER:

Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 15.12.2017 passed by the Hon'ble XIV Judge, Court of Small Causes, Chennai in M.P.S.R.No.76199 of 2017 in RCOP No.927 of 2017.

For petitioner : Mr.M.Gagan Bothra, party in person

For Respondent : Mr.P.B.Ramanujam

ORDER:

The respondent filed R.C.O.P.No.927 of 2017, for eviction, on the ground of willful default. The petitioner has filed an application in M.P.SR.No.76199 of 2017 under order III Rule 1 & 2 C.P.C. to permit the petitioner to appear and defend the case on behalf of the 1st respondent in the aforesaid R.C.O.P. The said application was dismissed by the Court below. Hence, the revision petitioner has filed this C.R.P. before this Court and today the matter is taken up

for hearing.

2. According to the petitioner, due to his health condition, petitioner is not in a position to appear before the Court. Hence power of attorney has been executed in favour of his son M.Gagan Bothra and hence, the instant application has been filed. Without considering the contention of the petitioner in proper perspective, dismissed the application. Hence, the order of the Court below is liable to be set aside.

3. The learned counsel for the respondent would submit that after peruse the Power of Attorney executed by the 1st respondent in favour of the 2nd respondent, this Court orders may be passed appropriate orders.

4. In the light of the above submissions made by the learned counsel for the respondent, and the order passed in M.P.Sr.76199 of 2017 is set aside and the impugned order passed by the Court below is set aside and the C.R.P. is allowed. No costs. Consequently connected miscellaneous petition are closed.

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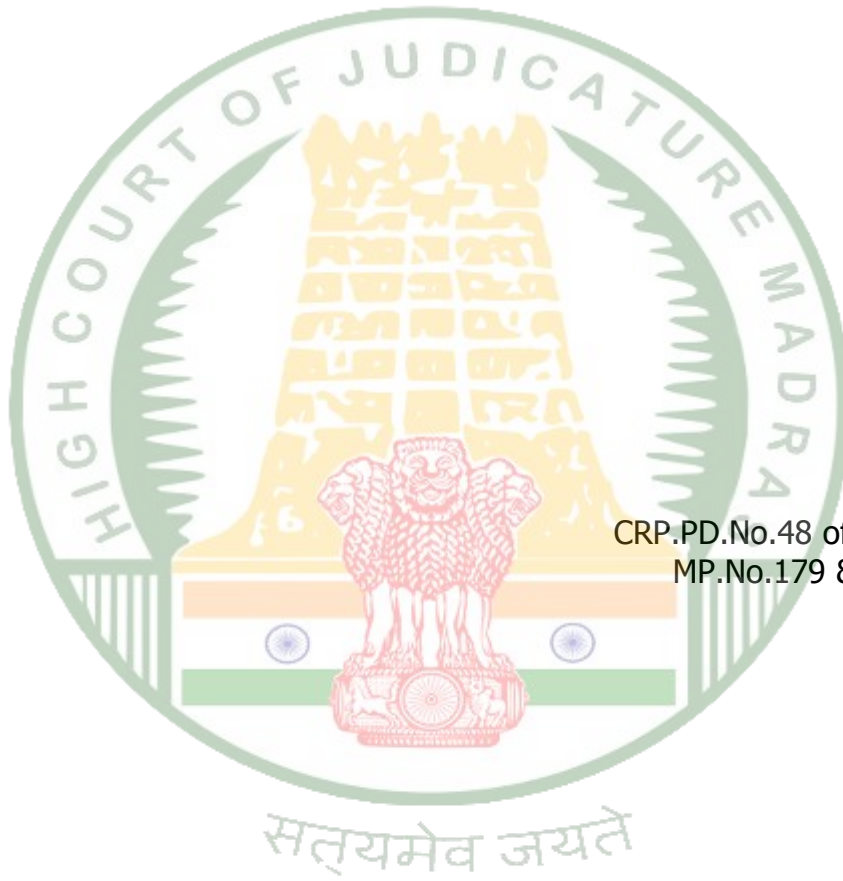
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Speaking/Non-speaking order

Index : Yes/No

Internet: Yes/No

D.KRISHNAKUMAR. J,
sk/kak



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