



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.09.2018**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(PD) (MD) .No.2090 of 2016

Lakshmi

...Revision Petitioner/
Petitioner/2nd Defendant Agent

Vs.

1.Mookaiya
2.Pitchai Udayar
3.Anbumani

...1st Respondent/Petitioner/Plaintiff

(Notice to Respondents

2 & 3 may be dispensed with)...Respondents 2 & 3/Respondents
1 & 2/Defendants 1 & 2

PRAYER : Petition filed under Section 227 of Constitution of India, to set aside the fair and decreetal order, passed in I.A.No.32 of 2015 in O.S.No.16 of 2012 on the file of Additional District Judge, Pudukkottai, dated 07.12.2015 by allowing this Civil Revision Petition.

For petitioner: Mr.N.Balakrishnan

ORDER

O.S.No.43 of 2010 was filed by one Mookaiya before the Principal District Munsif Court, Pudukkottai, seeking the relief of partition. The said suit was transferred to Additional District Court, Pudukkottai and renumbered as O.S.No.16 of 2012. The first defendant is the father of the plaintiff while the second defendant is the brother of the plaintiff. In the said suit, I.A.No.32 of 2015 was filed by the wife of the second defendant to recognise her as the power agent of the second defendant to conduct the suit on his behalf. The same was dismissed by order dated 07.12.2015. Questioning the same this Civil Revision petition has been filed.

2.I am of the view that the Court below ought to have allowed the I.A., as prayed for. The second defendant has executed a power of attorney on 09.03.2015 in favour of his wife. Therefore, on the strength of the said power of attorney only, the



said I.A., came to be filed. Therefore, the order impugned in this Civil Revision Petition is set aside and the I.A.No.32 of 2015 is allowed.

3. Accordingly, this Civil Revision Petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

The Additional District Judge,
Pudukkottai.

+ 1 CC TO MR.N.BALAKRISHNAN, ADVOCATE IN SR NO.82695

PNN

BU/PM/SAR-IV :15.10.2018 : 2P/3C

ORDER MADE IN
C.R.P. (PD) (MD) .No.2090 of 2016
06.09.2018