



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

C.R.P. (PD) (MD) No.452 of 2013
in
M.P (MD) No.1 of 2013

National Spiritual Assembly
of the Bahais of India having their
Spiritual Centre at Bahai's House,
New Delhi represented by its
Authorised Representative/Power Agent
R.P.Sundara Vadanam
S/o.R.Parthasarathy
No.182/12 K.K.Nagar
Ayothiya Pattinam
Salem- 103

... Petitioner

Vs.

A.Ramalingam

... Respondent

Prayer: The Civil Revision Petition has been filed under Article 227 of the Constitution of India to call for the records pertaining to the fair and decreetal order dated 07.01.2013 made in I.A.No.747 of 2012 in O.S.No.181 of 2012 on the file of the learned District Munsif, Pudukottai and set aside the same.

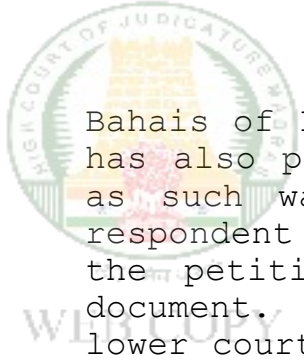
For Petitioner	: Mr.S.Balaji
For Respondent	: G.Sridharan

O R D E R

This Civil Revision Petition is filed challenging the order passed in I.A.No.747 of 2012 in O.S.No.181 of 2012 on the file of the learned District Munsif, Pudukottai

2. The brief facts that are necessary for the purpose of disposal of the Civil Revision Petition are as follows:

The defendant in the suit is the revision petitioner in this Civil Revision Petition. The respondent / plaintiff has filed a suit in O.S.No. 181 of 2012 for permanent injunction restraining the revision petitioner from interfering with the respondent's peaceful possession and enjoyment of the suit property. The suit was contested by the defendant on various grounds. During the pendency of the suit, the revision petitioner filed a petition under Order 3, Rule 1 of C.P.C to permit the the petitioner to represent the defendant namely National Spiritual Assembly of the

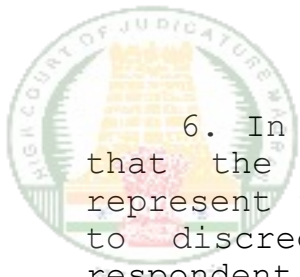


Bahais of India in the suit on its behalf. The revision petitioner has also produced the letter from the trustee where the resolution as such was extracted. The said application was opposed by the respondent only on the ground that the authority letter produced by the petitioner is not proper and it is not given by a valid document. The objections of the respondent was accepted by the lower court and the petition filed under Order 3, Rule 1 of C.P.C was dismissed. The lower court after seeing the authority letter observed that the petitioner failed to show that the resolution can be passed through circulation by the trust and that the petitioner's authority to represent the defendant is not established. Aggrieved by the same, the defendant has preferred this Civil Revision Petition.

3. The learned counsel for the respondent submitted that the authorisation letter is issued in the letter Head of the National Spiritual Assembly of the Bahais of India and this document which is produced along with the petition by the revision petitioner is not an authorised letter or valid one given to the individual. It is stated that the mere extract of the resolution dated 29.08.2012 passed by the National Spiritual Assembly of the Bahais of India by circulation is not a valid authorisation letter. It is to be noted that the defendants by name National Spiritual Assembly of the Bahais of India appears to be a religious organization having office at Delhi. The defendant has shown in the plaint as represented by its Manager. It is not known whether the Manager can represent the defendant in the suit. Now the true copy of the resolution certified by the trustee of defendant is produced authorizing the petitioner to represent the defendant. It is unfortunate that the plaintiff raised an objection when an authorised agent of the defendant wants to represent the defendant on the basis of resolution passed by defendant.

4. The plaintiff has no *locus standi* to raise any objection with regard to the authority of defendant to appoint any one to represent the defendant in the suit. Based on the objections raised by the plaintiff, the application was rejected. The party to the suit can appoint any one as his agent either by way of power of attorney deed or by a letter. The court may examine the validity of such authorisation letter of power of attorney based on some material if such permission is likely to invalidate the proceedings. Mere apprehension of the other side cannot be a ground to reject the application to permit the agent to represent the defendant on the basis of the resolution passed by the defendant.

5. The plaintiff has no *locus standi* to question the validity of such authorisation based on surmizes. In this case, there is nothing to indicate that the application lacks *bona fide*. Having regard to the fact that the defendant is having its permanent office at New Delhi, it is necessary that the defendant should be represented by any one of his agent to defend the suit.



6. In this case, the extract of resolution definitely shows that the defendant is appointed as the authorised person to represent the defendant in the suit. There is no material produced to discredit the resolution. The grievance expressed by the respondent that the order is likely to affect the interest of respondent has no basis. Under such circumstances, the dismissal of the application on the basis of the objection raised by the plaintiff questioning the propriety of appointment without any material document or valid document cannot be sustained.

7. Hence, this Civil Revision Petition is allowed and the order passed by the learned District Munsif, Pudukottai in I.A.No.747 of 2012 in O.S.No.181 of 2012 is set aside. The interlocutory application in I.A.No.747 of 2012 stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Pudukottai.

+1 CC to Mr.M.DHANALAKSHMI, Advocate in SR.No.71327
+1 CC to Mr.G.SRIDHARAN, Advocate in SR.No.71204

AAV
RJ/SV/SAR-3/16/07/2018 - 3P/4C

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