

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

Civil Revision Petition Nos.1784, 2221 and 2366 of 2018

COMMON ORDER:

These three revisions arise out of the orders passed by the III Additional Senior Civil Judge, Vijayawada, allowing the applications filed by the 1st respondent herein under Order III Rule 2 of the Code of Civil Procedure read with Section 32 of the Advocates Act, 1961.

2. Heard Mr. V.S.R. Anjaneyulu, learned counsel for the petitioner and Smt. Hemalatha Suryadevara, the General Power Agent of the 1st respondent herein, who was the plaintiff in all the three suits.

3. The 1st respondent, who was the plaintiff in three different suits namely O.S.Nos.368 of 1995, 389 of 1997 and 104 of 1998, is the principal and his wife Smt. Suryadevara Hemalatha, is his power agent. It appears that the 1st respondent and the plaintiff was all along represented by the counsel before the Court below. One of the suits already got disposed of. The other two suits are now pending. Even in the disposed of suit, some applications have been filed.

4. In the meantime, the wife of the 1st respondent filed applications in all the three suits, under Order III Rule 2 of CPC for representing her husband and to appear in person, to plead and to conduct the above proceedings. These applications were allowed by the Court below, forcing the 1st defendant in two suits and the sole defendant in the third suit to come up with the above revisions.

5. The objections of the learned counsel for the petitioner to the orders impugned in these revisions are two fold namely (i) that

the wife-cum-General Power Agent of the 1st respondent also happens to be a lawyer, but she can either appear as a counsel or as a power agent and not as both and (ii) that the address for service should be intimated by the 1st respondent in Vijayawada to enable the petitioners to serve notices and summons.

6. The power agent of the 1st respondent, who appeared in person before me, stated that she is not seeking to appear as an advocate for the 1st respondent but she is seeking to appear only as the power agent of the 1st respondent. There can be no objection to a party to a proceeding to appear through the power agent. Order III Rule 2 of CPC provides for the same and to that extent the order of the trial Court allowing the applications cannot be found fault with. Once an application under Order III Rule 2 CPC is allowed, the power agent has two options, first option is to appear in person as a power agent and the second option is to engage an advocate herself. Both cannot be combined in a single order and that is the objection of the learned counsel for the petitioner. That objection is sustainable in law.

8. But in so far as the second objection is concerned, if the 1st respondent is appearing only as a power agent of a party, the question of informing the local address for service does not arise. It is only when a lawyer is engaged, the question of furnishing a local address for service would arise.

Therefore, all the Civil Revision Petitions are disposed of confirming the orders of the trial Court and clarifying that Smt. Suryadevara Hemalatha, will appear in person as a power agent of

the 1st respondent and will not appear in her professional capacity as a lawyer.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

Date: 20-04-2018

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