

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.6924 of 2018

ORDER:

Aggrieved by an order passed by the trial Court permitting the 1st respondent to be represented by his wife as the General Power of Attorney holder, to act, to appear and to plead, the defendant in the suit has come up with the above revision.

2. Heard Mr. V.S.R. Anjaneyulu, learned counsel for the petitioner. The G.P.A. holder of the 1st respondent takes notice.

3. The 1st respondent herein has filed a suit in O.S.No.445 of 1998 for partition. It appears that the 1st respondent is a retired I.A.S. Officer and his wife who is General Power of Attorney holder is an Advocate enrolled in the Bar Council of Andhra Pradesh.

4. Therefore, the 1st respondent has appointed his own wife as General Power agent. This fact is not disputed.

5. When an attempt was made by the G.P.A. holder to act in dual capacity, both as a General Power of attorney and as an advocate for her husband, this Court directed that she can only opt for one.

6. Therefore, the 1st respondent filed I.A.No.556 of 2018 seeking permission for the G.P.A. holder to plead, present and argue his case in person. This application has been allowed by the trial Court by an order dated 24-09-2018. It is against the said order that the revision has been filed.

7. The contention of Mr. V. S. R. Anjaneyulu, learned counsel for the petitioner is that G.P.A. holder, having a personal interest,

cannot plead on behalf of the party. Reliance is placed upon the clause contained in the deed of a General Power of Attorney.

8. But clauses 2 and 3 of the deed of General Power of Attorney authorises the G.P.A. holder to sign and verify complaints, written statements, affidavits etc., and also to appear in all courts. Therefore, the General Power of Attorney certainly authorises the holder to plead on behalf of the 1st respondent.

9. Merely because the wife happens to be a lawyer, there is no prohibition in law for her to plead the case of her husband by holding a general power. The bar for a lawyer to take a dual role, is in the context of conflict of interests, which correlate to ethical principles in respect of the profession. But when a lawyer's spouse is involved in litigation, there can be no bar for the lawyer to act as the power agent of the spouse, for doing whatever is authorised by the deed of General Power of Attorney to do.

10. Moreover, I do not know in what way the petitioner is aggrieved by such an act. If at all there are certain things only within the exclusive knowledge of the principal that can certainly be raised as a point. Therefore, I find no merits in the revision. Hence, the Civil Revision Petition is dismissed. No costs.

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

V. RAMASUBRAMANIAN, J

Date: 14-12-2018

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