

THE HON'BLE SRI JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

Civil Revision Petition No.7126 of 2018

ORDER: (Per the Hon'ble Sri Justice M.Satyanarayana Murthy)

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the order in I.A.No.1061 of 2018 in Arbitration O.P.No.529 of 2015 dated 15.11.2018 passed by the learned III Additional District Judge, Ranga Reddy District at L.B.Nagar.

The respondent herein filed I.A.No.1061 of 2018, under Rule 32 of Civil Rules of Practice, to permit him to represent the respondent-company being a power of attorney holder, to sign and verify the pleadings. He also filed an affidavit, along with said application, strictly adhering to the requirements of Rule 32 of Civil Rules of Practice. The trial Court allowed the I.A, as the learned counsel appearing for the respondent in the I.A reported no counter.

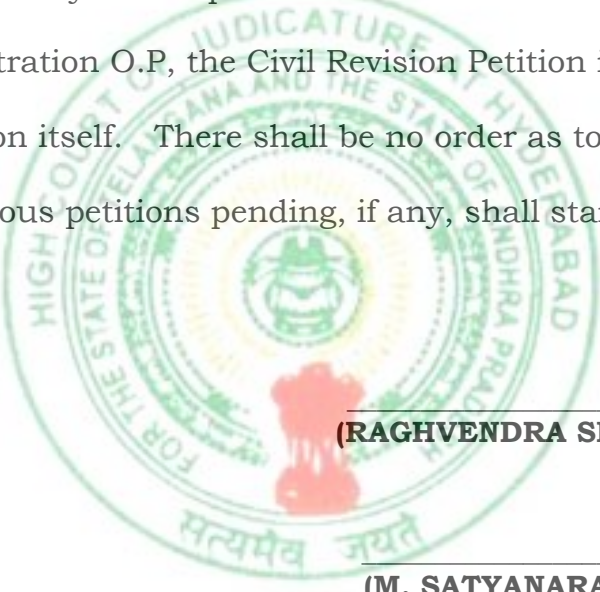
In an application filed under Rule 32 of Civil Rules of Practice, it is mandatory for the petitioner therein to comply with the requirements stipulated under Rule 32 and then, it is for the Court whether to permit the petitioner therein to represent the company being a power of attorney holder, sign and verify the pleadings. However, the present revision is filed by the respondents challenging the order in the I.A filed under Rule 32 of Civil Rules of Practice, on the ground that they were not given an opportunity of being heard by the trial Court and they got a substantial defence in the main petition. They requested this Court to set aside the impugned order, as the order is against the principles of natural justice.

No doubt, the application in I.A.No.1061 of 2018 was filed under Rule 32 of Civil Rules of Practice, which permits an agent to represent the principal being a power of attorney holder, sign and verify the pleadings, subject to compliance of the requirements made thereunder,

such as filing a copy of power of attorney, filing an affidavit verifying that the power of attorney is still subsisting as on the date of filing of the petition, accordingly, the respondent herein had complied with the said requirements. The trial Court though passed a cryptic order, since it is an issue between the Court and the respondent herein (petitioner in the I.A), no interference is called for with the impugned order. However, the petitioners herein (respondents in the I.A) are permitted to raise the plea with regard to the validity of the power of attorney in the main Arbitration O.P subject to Section 34 of the Arbitration and Conciliation Act.

Granting liberty to the petitioners herein to raise such contention in the main Arbitration O.P, the Civil Revision Petition is dismissed at the stage of admission itself. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



(RAGHVENDRA SINGH CHAUHAN, J)

(M. SATYANARAYANA MURTHY, J)

06th December, 2018

Note: Issue C.C today.

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Date: 06.12.2018

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