

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P. No.3800 of 2019
and C.M.P.No.24895 of 2019

Anusya

... Petitioner

-Vs-

1.Arunkumar Kalingarayar
2.Siddarth Kalingarayar

... Respondents

Prayer : Civil Revision Petition under Article 227 of the Constitution of India against the fair and decreetal order dated 06.04.2018 passed by the learned District Munsif at Pollachi in I.A.No.1028 of 2017 in O.S.No.46 of 2012.

For Petitioner : Mr.M.N.Balakrishnan

ORDER

This revision has been filed against the fair and decreetal order dated 06.04.2018 passed by the learned District Munsif at Pollachi in I.A.No.1028 of 2017 in O.S.No.46 of 2012.

2. Before the trial Court, the revision petitioner was the plaintiff, who filed a suit for bare injunction against the respondents / defendants. Those two defendants wanted to contest the suit and accordingly they

appointed a Power Agent one Anguraj and therefore, in order to permit the Power of Attorney holder to contest the suit on behalf of the defendants, they sought the permission of the Court below. Accordingly, the present I.A.No.1028 of 2017 was filed and the same was allowed through the impugned order, as against which the present revision has been filed.

3. I have heard Mr.M.N.Balakrishnan, learned counsel for the revision petitioner and have gone through the materials placed on record.

4. Learned counsel for the revision petitioner would submit that, the property in question has been sold to various third parties and as of now, the defendants are not the owners of the property and therefore, they cannot seek permission for the Power Agent to contest the suit on their behalf.

5. Be that as it may. As of now, the suit has been laid against the defendants for the relief of permanent injunction, in which the defendants sought for permission of the Court to their Power of Attorney holder Anguraj to contest the suit on their behalf. When that being the position, after having considered the facts and circumstances of the case, the Court below granted permission to the Power of Attorney holder to

represent on behalf of the defendants and this action on the part of the Court below cannot be found fault with. The Power of Attorney holder can be permitted to represent any litigant, provided at the time of letting in evidence, normally the Power of Attorney cannot be permitted and only the party can let in evidence and only the person who knows the details of the lis can only be permitted to let in evidence. Except this impediment, there is no other impediment to reject the claim of the defendants. Hence, this Court feels that there is no infirmity or erroneousness in the impugned order passed by the Court below.

6. Accordingly, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

KST

To

The District Munsif
Pollachi.

26-11-2019

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R.SURESH KUMAR, J.

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