IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

CORAM :

THE HON'BLE Ms. JUSTICE P.T.ASHA

C.R.P. (PD) No.1221 of 2018
and
C.M.P.No.6246 of 2018

Syed Chand Basha
Rep. by his Power Agent
S.M.Jamsheeth ... Revision Petitioner

Vs.

1.Noorunnissa
2.Saleembi
3.Shameem
4.Naseema
5.Ameerun
6.Nazeerun
7.Syed Gafoor ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the judgment and decree dated 15.12.2017 passed by the learned Subordinate Judge, Cheyyar, in I.A.No.474 of 2017 in O.S.No.43 of 2017 and permit the petitioner to file vakalat and prosecute the matter as an agent of the 5th defendant.

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For Petitioner : Mr.C.T.Mohan

For Respondents : Mr.S.Mahesh for R2

: No appearance for R1, RR 3 to 7

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O R D E R

The above Civil Revision Petition has been filed, challenging the order, passed by the learned Subordinate Judge, Cheyyar, dismissing the application filed by the revision petitioner/5th defendant for permitting the Power of Attorney to represent him in the suit.

2.When the matter was taken up for hearing, the learned counsel for the revision petitioner fairly undertook that the revision petitioner will be present for giving evidence and till such time, the Power Agent could be permitted to act on behalf of the revision petitioner. The learned counsel for the respondents/plaintiffs is also agreeable to the above arrangement.

3.Therefore, the order dated 15.12.2017 in I.A.No.474 of 2017 in O.S.No.43 of 2017 on the file of the Subordinate Court, Cheyyar, is set aside and the Power Agent is permitted to represent the revision petitioner/5th defendant in respect of the proceedings, except while deposing evidence before the Court.

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4.It is also brought to my notice that, on account of the order in I.A.No.474 of 2017, the 5th defendant/revision petitioner has been set exparte in the above suit. The exparte order passed against the revision petitioner/5th defendant is set aside and the revision petitioner, through his Power Agent, is

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permitted to file his written statement and the revision petitioner/ 5th defendant undertakes to file his written statement within a period of two weeks from the date of receipt of a copy of this order.

5.In the result, this Civil Revision Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.03.2019

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Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order

To

The Subordinate Judge,
Cheyyar,
Thiruvannamalai District.

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P.T.ASHA, J.

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