

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.R.P(PD) No.4248 of 2013

and

M.P.1 of 2013

1. P.Parvathi
2. P.Sankar
3. M.Geetha
4. P.Ashok

... Petitioners/Plaintiffs

Vs.

Maragatham

... Respondent/1stDefendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decree dated 17.04.2012 made in I.A.No.206 of 2011 in O.S.No.49 of 2011, on the file of the Principal District Munsif Court, Erode District.

For Petitioners : Mr.S.Ramesh Kumar

For Respondent : Mr.C.Deivasigamani

ORDER

This Civil Revision Petition has been filed against the order of the trial Court, dated 17.04.2012 made in I.A.No.206 of 2011 in

O.S.No.49 of 2011, permitting one Marimuthu, Power of Attorney of the first defendant to appear on behalf of her. The suit in O.S.No.49 of 2011 has been filed to declare the plaintiffs as the absolute owners of the suit properties and to grant permanent injunction restraining the defendants, their men and agent from trespassing in to the suit property or interfering in any manner with the plaintiffs' peaceful enjoyment of the suit property.

2. Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for the respondent and perused the materials.

3. This Civil Revision Petition has been filed to challenge the order passed by the trial Court, permitting the first defendant to appear through her power agent.

4. On a perusal of the order passed by the trial Court, I am of the view that no illegality whatsoever committed by the trial Court to recognize the agent. The parties can be permitted to appear through power agents provided they have been appointed legally. Therefore, the agent who is well acquainted with the facts and can

also give evidence. Otherwise, his evidence is of no use. All these things can be gone in to at the stage of appreciation of evidence by the trial Court.

5. Therefore, I do not find any illegality or infirmity in the order passed by the trial Court. Hence, this Civil Revision Petition is dismissed and the trial Court is directed to dispose of the suit within six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

21.02.2019

Index: Yes/No
Speaking/ Non-Speaking
ssi

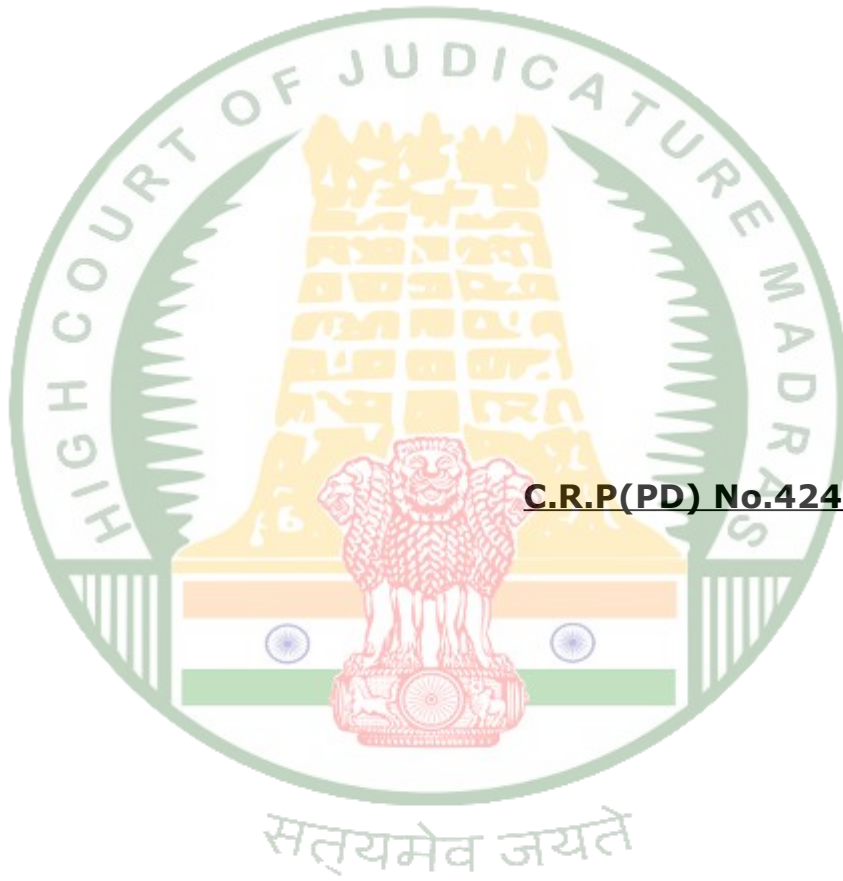
To

1. The Principal District Munsif Court, Erode District.
2. The Section Officer, VR Section, Madras High Court.

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N.SATHISH KUMAR, J.

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