

A.No.5757 of 2019
in
C.S.No.291 of 2012

M.SUNDAR, J.

Mr.M.Gagan Bothra, party-in-person representing himself and two other applicants (three applicants in all) is before this Court, pursuant to proceedings of Hon'ble Party-in-Person Committee, dated 12.12.2019, which has permitted him to appear party-in-person.

2. None appears on behalf of respondents though they have been duly served and their names are shown in the cause list.

3. Be that as it may, this Court is informed that sole plaintiff in the main suit (Mr.S.Mukunchand Bothra) is no more and that the date of demise is 17.04.2019. This has necessitated the filing of instant application by Mr.Gagan Bothra along with his brother and sister, whom this Court is informed are the legal heirs of deceased sole plaintiff. Prayer in the instant application reads as follows:

'...to bring on record the applicants as legal heirs of the deceased plaintiff as proposed plaintiffs as proposed plaintiff 2, 3 and 4 in C.S.No.291 of 2012....'

4. Two powers of attorney executed by applicants 1 and 3 in favour of applicant No.2 (both dated 17.12.2019) together with an affidavit sworn to by applicants 1 and 3, confirming that the powers of attorney are in force, are also before this Court. Most relevant clauses in the powers of attorney are clauses 5 and 8. To be noted, clauses 5 and 8 are the same in both Powers of attorney. Clauses 5 and 8 read as follows:

'.....5. To appear, plead, argue, contest before this Hon'ble Court in C.S.No.291 of 2012 and to conduct my case on my behalf.

6...

7....

8. I hereby agree to ratify all acts, deeds and things done, executed and performed by my power agent by virtue of this deed of power of Attorney.....'

5. To be noted, this Court is informed that Mr.Gagan Bothra was representing his father even during his life time in the instant suit.

6. Having perused the affidavit filed in support of the instant application, having heard Mr.Gagan Bothra, party-in-person and having been satisfied that prayer in the instant application is not only innocuous, but imperative for the suit proceed further, instant application is ordered as prayed for.

7. Applicants are given time till 03.01.2020 to carry out necessary and consequential amendments in the plaint and also file amended copy of plaint.

8. Instant application is ordered as above.

vsm

18.12.2019



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