

A.No.5586 of 2019
in
C.S.No.652 of 2004

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 the said individual to appear party-in-person.

2. Ms.M.Thamizh Elakkiya, learned counsel representing the counsel on record for defendants 1, 2, 4 and 9 in the main suit is also before this Court.

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 is as follows:

'...to bring on record the applicants as legal heir of the deceased plaintiff as proposed plaintiffs in C.S.No.652 of 2004....'

4. Two powers of attorney executed by applicants 1 and 3 in favour of applicant No.2 being powers of attorney, 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.652 of 2004 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, Mr.Gagan Bothra was representing his father even during his life time in the instant suit.

6. There is no opposition or objection to the instant application by learned counsel for defendants 1, 2, 4 and 9 in the main suit.

7. 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.

8. Applicants are given time till 10.01.2020 to carry out necessary and consequential amendments in the plaint and also file amended copy of plaint.

9. Application is ordered as above.

vsm

18.12.2019



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