

A.No.4991 of 2019

in

C.S.No.459 of 2015

R.SUBRAMANIAN, J.,

This Application has been filed under Section 32 of the Advocates Act seeking permission to the 3rd plaintiff in the suit Mr.Gagan Bothra to represent the plaintiffs 2 and 4 as their power agent and argue the case in person.

2. The plaintiffs 2 and 4 have also executed Powers of Attorney in favour of the 3rd plaintiff Mr.Gagan Bothra. The suit in CS.No.459 of 2015 was originally instituted by the father of the plaintiffs 2, 3 and 4 Mr.Mukanchand Bothra. Since he died pending suit, the plaintiffs were brought on record as the legal representatives of the deceased Mukanchand Bothra.

3. The plaintiff 2 and 4 have sworn to the affidavit seeking permission for the 3rd plaintiff to argue on their behalf and also as party-in-person. The 3rd plaintiff who appears in person would also rely upon the judgments of the Hon'ble Supreme Court in *Harishankar Rastogi Vs. Girdhari Sharma and another* reported in *AIR 1978 SC 1019* and *Goa Andibiotics and another Vs. R.K.Chawla and another* dated 04.07.2011

R.SUBRAMANIAN, J.,

dsa
reported in **[2011] 7 SCR 846** in support of his submissions that the Courts in appropriate cases have the power to allow even a non-lawyer to appear as party-in-person.

4. Considering the nature of the suit claim and the fact that the plaintiffs 2 and 4 are the brother and sister of the 3rd plaintiff, I am of the considered opinion that the discretion under Section 32 can be exercised in favour of the 3rd plaintiff in this case and permit the 3rd plaintiff to argue the case on behalf of the plaintiffs 2 and 3.

5. Hence, this application is **allowed** granting permission to the 3rd plaintiff to argue the case on behalf of the plaintiffs 2 and 3. It is made clear that this order shall not be treated as precedent to enable a non-lawyer to appear and argue a case as power of attorney of a party.

WEB COPY

23.07.2019

dsa

A.No.4991 of 2019
in
C.S.No.459 of 2015