



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) .No.283 of 2019 (PD)

WEB COPY

1.Ganesan

2.Murugan

... Petitioners/Respondents/
Plaintiffs

Vs.

1.The Manager

Arabintho Agro Energy Pvt Ltd.,
Virakadi Kadambankulam,
Kalaiyarkovil Taluk,
Sivagangai District.

2.Thiresh (Managing Director)

... Respondents/Respondents/
Defendants

3.Jeyavelu

... 3rd Respondent/Petitioner/
Proposed 3rd Defendant

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 15.11.2018 passed in I.A.No.480 of 2018 in O.S.No.180 of 2015 on the file of the District Munsif, Sivagangai.

For Petitioners : Mr.S.Muthupandi

O R D E R

This Civil Revision petition has been preferred against the fair and decreetal order dated 15.11.2018 passed in I.A.No.480 of 2018 in O.S.No.180 of 2015 by the District Munsif, Sivagangai.

2.The revision petitioners, who are the plaintiffs have filed I.A.No.480 of 2018 to accept the signature of the petitioner/3rd defendant found in the vakalath, written statement and other related documents as the power agent of the petitioner's Company.

3.In the said I.A., it is contended that the suit property was brought to auction because of the non-payment of the loan obtained from the Corporation Bank and the suit property was purchased by the proposed third defendant, who is the General Manager of M/s.Alton Power Pvt. Ltd., Kalaiyarkovil to be added as a necessary party.



4.The case of the plaintiffs is that the property belongs to them by way of ancestors and a patta was also wrongly given to the defendants and to set aside the said patta, a proceeding was pending before the Revenue Divisional Officer and hence, the third party is not a necessary party in the suit proceedings.

5.I.A.No.480 of 2018 was filed by the plaintiffs stating that the petitioner/proposed second defendant filed I.A.No.778 of 2015 to implead himself as a necessary party since the General Manager/second defendant has left the Office and hence, the said I.A.No.778 of 2015 was not pressed and now, he took in-charge of the said Office and as per the letter, he has every right to contest the said proceedings and hence, he has filed the present I.A., to implead himself as a necessary party.

6.Originally, I.A.No.778 of 2015 was filed by the third party, who claimed himself as a proposed second defendant has contended that he is incharge of M/s.Alton Power Pvt Ltd., and the said Company has given a letter to him on 20.10.2015 to represent the case and he also know the facts of the case. Hence, he has every right to take part in the said case. Hence, the said petition has been filed seeking permission in view of the letter given to him to conduct the case.

7.In the counter statement the respondents had denied the contention made by the petitioner/proposed third defendant by considering his right to sign the documents related to the case. The power of attorney document is not a registered one and hence, the said document filed by the proposed party has to be rejected.

8.The learned counsel appearing for the revision petitioners has argued by quoting the publication made in the newspaper.

9.If a power agent of a Company is to conduct a case on behalf of the company, permission has to be obtained under Order 3 Rule 1 and 2 of the Code of Civil Procedure.

10.Order 3 Rule 1 and 2 of C.P.C., reads thus:

"1.Appearances, etc, may be in person, by recognized agent or by pleader.- Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party in such Court may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader[appearing applying or acting as the case may be] on his behalf;

Provided that any such appearance shall, if the Court so directs, be made by the party in person.

2.Recognized agents.- The recognized agents of



parties by whom such appearances, applications and acts may be made or done are-

(a) persons holding powers-of-attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(b) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

HIGH COURT AMENDMENT (MADRAS): In Order 3, for Rule 2 substitute the following:

"2. The recognized agents of parties by whom such appearances, applications and acts may be made or done are the persons holding powers of attorney, authorising them to make and do such appearances, applications and acts on behalf of parties. (Amendment dated 27.06.1973)"

In view of the above, the order of the trial Court does not require any interference, since the publication shown in support of the argument made by the revision petitioners does not apply to the facts and circumstances of the case. Hence, this Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Munsif,
Sivagangai.

2. The Record Keeper,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s. S. MUTHUPANDI, Advocate SR-62207.

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CS (30/05/2019) 3P 4C

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