

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.1072 of 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner/plaintiff, aggrieved by the order dated 23.03.2019 in I.A.No.525 of 2018 in O.S.No.71 of 2012 on the file of the Senior Civil Judge at Siddipet.

Heard the learned counsel for the petitioner and perused the record.

Learned counsel for the petitioner would contend that the Court below ought not have permitted the husband of the defendant to give evidence on behalf of the defendant. It is further contended that the husband of the defendant cannot step into the shoes of the defendant. Therefore, the impugned order is erroneous, contrary to law and facts of the case. He relied upon the decision of Hon'ble Apex Court in ***Man Kaur (Dead) by LRs vs. Hartar Singh Sangha***¹ and ultimately, prayed to set aside the impugned order.

It is pertinent to note that the husband of the defendant filed GPA and also an application to permit him to depose in the subject suit. The Court below after hearing and examining the entire record permitted the GPA holder i.e., husband of the defendant to depose in the said suit, since he has knowledge about the purchase of house plot by his wife.

¹ 2010(10) SCC 512

In the decision referred to above, the Hon'ble Apex Court held as under:

“Attorney holder who has signed the plaint and instituted the suit, but has no personal knowledge of the transaction can only give formal evidence about the validity of the power of attorney and the filing of the suit”.

In the instant case, the GPA holder-husband of the defendant claims to have knowledge with regard to purchase of the house plot by the defendant. Since the GPA holder has got knowledge of the facts and circumstances of the case, he is entitled to depose in the subject suit. Therefore, the decision in **Man Kaur's** case (supra) has no application to the case on hand.

Under these circumstances, no illegality or infirmity has been committed by the Court below. The revision petition is devoid of merit and is liable to be dismissed.

In the result, the Civil Revision Petition is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 27.08.2019
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