

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 3674 of 2018
and
C.M.P.No. 20465 of 2018

V.G.Arun

...Petitioner/Petitioner

Vs.

1.Kuppayee
2.Bakkiyam
3.Periyammal
4.Pappathi
5.Pothammal
6.Periyasamy
7.Chinnasamy
8.Poorkodi

...Respondents/Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the impugned order dated 20.09.2018 in I.A.No. 461 of 2018 in O.S.No. 193 of 2015 on the file of the III - Additional District Court, Salem.

For Petitioner : Mr.V.Sekar

For Respondents : Mr.A.Thiyagarajan for
Mr.M.Nallathambi

O R D E R

This revision is directed against a wholly erroneous order passed by the Additional District Judge.

2. The petitioner, who was the tenth defendant in a suit for partition, as a purchaser of the property from some of the sharers, had executed a power of attorney in favour of his father as he had to go to United Kingdom for pursuing his further studies. An application was filed under Order 3 Rule 2 of C.P.C., seeking permission to be represented by the power of attorney.

3. Unfortunately, the learned Additional District Judge exhibiting lack of fundamental knowledge of the scope of a

petition under Order III Rule 2 of the Code of Civil Procedure and the right of the litigant to be represented through a power of attorney agent dismissed the application. It is a basic principle of law that a litigant has a right to be represented by a power agent. Of course, there are certain limitations on the power of the agent or the right of the agent to let in evidence on certain aspects. But, that cannot in any manner empower a Court to reject an application of a litigant to be represented through his agent.

4. I find that the learned District Judge has exhibited extreme ignorance of fundamental principles of law while dismissing the application. I am convinced that this order has to be set aside and it is accordingly set aside. This civil revision petition is allowed, the application in I.A.No.461 of 2018 will stand allowed. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kkn

To:

The III - Additional District Court,
Salem.

+1 CC to Mr.V.Sekar, Advocate sr 39013.

+1 CC to Mr.M.Nallathambi, Advocate sr 38977.

सत्यमेव जयते

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SR(CO)
SP(07/01/2021)

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