



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P (MD)No.156 of 2020

and

C.M.P. (MD)No.852 of 2020

WEB COPY

G.Subramani

...Petitioner / Petitioner / Plaintiff
-Vs-

1.Ammavasai

... 1st Respondent / Respondent / Defendant

2.Nagaraj

... 2nd Respondent / Proposed Party

PRAYER: Civil Revision Petition is filed under Section 227 of Civil Procedure Code, praying to set aside the order dated 29.07.2019 in I.A.No.119 of 2019 in O.S.No.173 of 2014 on the file of the District Munsif Court, Periyakulam.

For Petitioner : Mr.S.Loganathan

ORDER

This Civil Revision Petition is filed against the order of the trial Court, dismissing the application filed to recognize the power agent of the plaintiff.

2.It is the contention of the revision petitioner that he is not well, therefore, his brother has to be recognized as Power of Attorney. Accordingly, the order passed by the trial Court is not proper.

3.Heard the learned counsel appearing for the petitioner and perused the entire materials.

4.The suit has been filed originally for partition, the trial has been commenced, the plaintiff was examined and the matter was posted for argument and further issues have been framed. At this stage, that application has been filed, contending that the plaintiff is not well, therefore, he is not able to give proper instruction to his counsel. Therefore, his brother has to be recognized as Power of Attorney in his place. It is to be noted that the process of examining the evidence is already completed and even additional issues have been framed. At this stage, the application to substitute the power of attorney to give evidence on behalf of the plaintiff, is liable to be dismissed, accordingly, dismissed.



5.It is further to be noted that the Power of Attorney is not a competent to give evidence, unless he acquainted the facts. Therefore, no purpose would be served by recognizing the power agent of the plaintiff. Apart from in this case, the plaintiff was already examined. Such being the position, for part of the evidence, the Power of Attorney cannot be recognized. Therefore, I do not find any infirmity or illegality in the order passed by the trial Court.

6.Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

To
The District Munsif,
Periyakulam.

C.R.P(MD)No.156 of 2020
29.01.2020

SMA/07/02/2020/2P/2C