

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD).No.2787 of 2017  
and C.M.P.No.13176 of 2017

1.Premakumari  
2. Senthil

... Petitioners

Vs.

D.Yasodha

... Respondent

**Prayer :-** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.913 of 2016 in O.S.No.436 of 2012 on the file of the Additional District Munsif Court, Alandur dated 14.12.2016 for fresh trial with respondent/plaintiff by allowing the Civil Revision Petition.

For Petitioners : Mr.T.K.Bharathy Anandraj

For Respondent : Mr.S.Sai Shankar

For Mr.V.Veluchamy

**ORDER**

This Civil Revision Petition is directed as against the order dated 14.12.2016 passed by the learned Additional District Munsif, Alandur in I.A.No.913 of 2016 in O.S.No.436 of 2012, thereby dismissing the

petition to set aside the general power of attorney filed by the respondent and direct the respondent to appear before the Court below and sought for fresh trial.

2. The respondent is the plaintiff and the petitioners are the defendants. The respondent filed suit in O.S.No.436 of 2012 for permanent injunction in respect of the suit property. The respondent is being a lady, she had given general power of attorney in favour of her own husband. Through her husband, she filed proof affidavit and marked the general power of attorney as Ex.A.1. At that juncture, the petitioners filed petition to set aside the general power of attorney and direct the respondent to appear before the Court below to depose. Since the trial Court dismissed the said petition, the petitioners filed this present Civil Revision Petition.

3. Admittedly, the respondent is the wife of the power of attorney holder. She executed the general power of attorney to depose on behalf of her. The power of attorney holder being her husband, he has full knowledge and well acquainted with the suit property. The respondent is not keeping

good health and she has decided to appoint her husband as her power of attorney, who know about the entire history of the suit property and to appear on behalf of her and given evidence. Therefore, the Court below rightly dismissed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.03.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

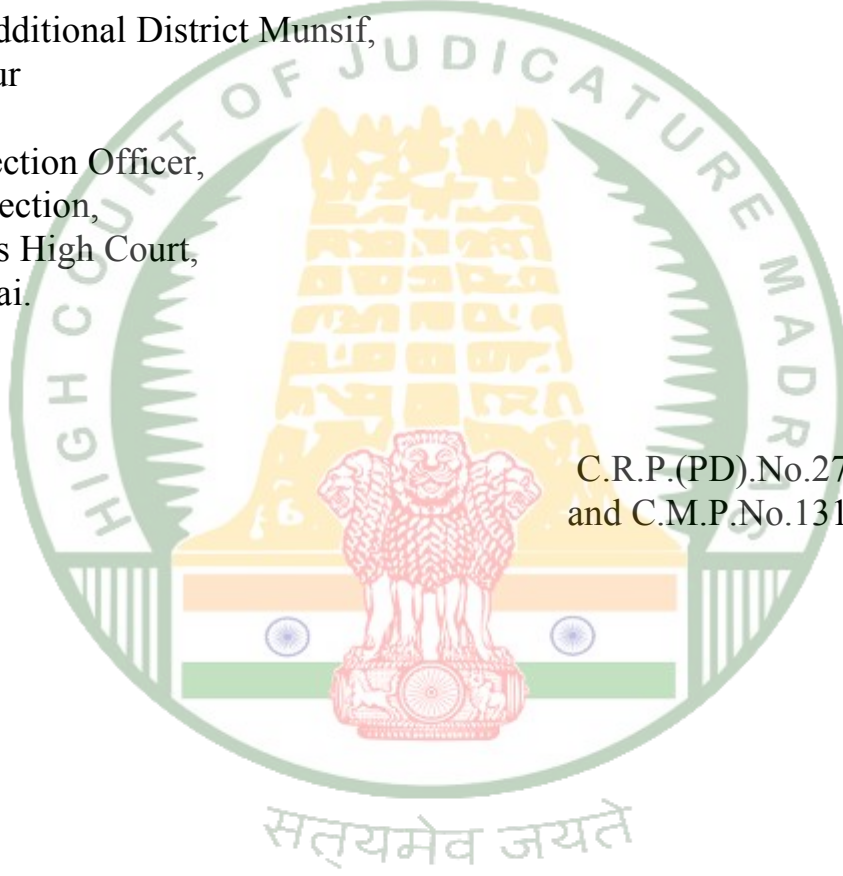
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**G.K.ILANTHIRAIYAN, J.**

rts

To

1. The Additional District Munsif,  
Alandur
2. The Section Officer,  
V.R. Section,  
Madras High Court,  
Chennai.



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