



Application No.2419 of 2022 in Tr.C.S. No.275 of 2021
and

Application No.2420 of 2022 in C.S. No.757 of 2015

G.CHANDRASEKHARAN, J.

1. A.No.2419 of 2022 in Tr.C.S.No.275 of 2021 is filed to receive the power of attorney deed dated 29.07.2019 executed by the first defendant and permit the power agent to represent the first defendant in Tr.C.S. No.275 of 2021.

2. A.No.2420 of 2022 in C.S.No.757 of 2015 is filed to receive the power of attorney deed dated 29.07.2019 executed by the first defendant and permit the power agent to represent the first defendant in C.S. No.757 of 2015.

3. It is submitted by the learned counsel for the applicant that the first defendant – Jumma Ibrahim Ali is a permanent resident of Malaysia and he could not come to India on a regular basis to defend the suits. Therefore, he has appointed Mr.K.M.Shahul Hameed as his power agent to defend the cases. The original power of attorney deed dated 29.07.2019, which is a general power of attorney deed, is produced before this Court for perusal.



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4. When these applications were taken up for hearing on 26.09.2022, learned counsel for the respondent/plaintiff strongly objected these applications on the ground that the power of attorney deed is a forged document. Therefore, this Court directed the principal of the document to appear before this Court to clear the doubt regarding the execution of power of attorney deed.

5. When the matter was taken up for hearing on 17.10.2022, it was stated on behalf of the first defendant that he is in Malaysia and not able to come to Court. There was a request for scheduling the hearing through video conference to confirm whether the first defendant/ Jumma Ibrahim Ali had executed this power of attorney deed. The Registry was directed to arrange for hearing through video conference for the appearance of Jumma Ibrahim Ali/ first defendant and also the respondent/plaintiff viz., Noor Aliza Fridi Felizal Fernandez in person.

6. When the matter is taken up for hearing today through video conference at 2.15 p.m., it is submitted by the learned counsel for the respondent/plaintiff that the respondent/plaintiff is bedridden and she is not able to come to Court. However, he is prepared to go



ahead with the proceedings and identified the first defendant/
Jumma Ibrahim Ali, who appeared through video conference.

7. This Court enquired Jumma Ibrahim Ali as to whether the plea of forging the power of attorney deed is correct and whether the power of attorney deed was executed by him. The first defendant has responded by saying that the power of attorney deed filed in this Court and shown to him is a genuine power of attorney deed and executed by him. Therefore, there is no doubt whatsoever with regard to execution of power of attorney deed dated 29.07.2019 by the first defendant/ Jumma Ibrahim Ali in favour of K.M.Shahul Hameed.

8. It is submitted by the learned counsel for the respondent/plaintiff that these applications have not been moved by the first defendant but only his power agent moved these applications. It is true that these applications are moved by the power agent of the first defendant. When the first defendant appeared through video conference and endorsed the execution of power of attorney deed in favour of K.M.Shahul Hameed, this Court finds no reason to reject these applications.

9. It is also submitted that there is no specific power given



to the power agent to defend these cases. This Court finds that this is a general power of attorney deed giving authority to sign, verify and present any complaints, counter affidavits, petitions and other pleadings in connection with the aforesaid proceedings on his behalf in respect of the suit properties. Therefore, it includes every proceeding pending and to be instituted. This is a general power of attorney deed and it is not necessary to specify any particular proceedings.

10. It is further submitted by the learned counsel for the respondent/plaintiff that signature of the first defendant in earlier documents differ from the signature in the power of attorney deed. However, this was denied by Jumma Ibrahim Ali/ first defendant. He affirms that the signatures in the power of attorney deed dated 29.07.2019 are his signatures.

11. This Court finds that the queries / doubts raised by the learned counsel for the respondent/plaintiff are cleared by the first defendant himself through video conference. Therefore, there is no impediment for the power agent/ K.M.Shahul Hameed to defend the cases on behalf of the first defendant/ Jumma Ibrahim Ali on the



basis of the power of attorney deed.

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12. In this view of the matter, both the applications are allowed. No costs.

13. The original power of attorney deed dated 29.07.2019 shall be retained in the suit.

14. The respondent/plaintiff is directed to take steps to amend the plaint.

15. Post the suits after three weeks.

02.11.2022

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G.CHANDRASEKHARAN, J.



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