



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (NPD) No.2391 of 2022

1.K.Arumugam
2.A.Santhamani
3.A.Navin

...

Petitioners /
Defendants

versus

1.Dhanalakshmi

2.Sub Registrar,
Thottipalayam, Tirupur.

...

1st Respondent /
Plaintiff

2nd Respondent /
4th Defendant

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the docket order dated 08.06.2022 in I.A.No.573 of 2021 in I.A.No.494 of 2020 in O.S.No.376 of 2018 on the file of the learned District Munsif, Tiruppur District.

For Petitioners : Mr.K.Sudhakar



ORDER

This Civil Revision Petition has been preferred challenging the order of the learned District Munsif, Tiruppur District, dated 08.06.2022 made in I.A.No.573 of 2021 in I.A.No.494 of 2020 in O.S.No.376 of 2018.

2. The revision petitioners are the defendants 1 to 3 against whom the first respondent / plaintiff has filed the suit for the reliefs of declaration and permanent injunction. The revision petitioners were set *ex parte* and the *ex parte* decree was also passed on 21.02.2020. Subsequent to that the revision petitioners filed a petition in I.A.No.494 of 2020 for setting aside the *ex parte* decree and the same was pending. During the pendency of those proceedings, the plaintiff filed another petition in I.A.No.573 of 2021 to recognise a new power agent and substitute his name in the place of the old power agent. It is alleged by the plaintiff that the power given to the erstwhile power agent was cancelled on 02.08.2021 and hence a new power agent's name should be impleaded as power agent representing the plaintiff. The said petition was allowed on 08.06.2022. Aggrieved over that, the petitioners had filed the present Civil Revision Petition.



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3. The learned counsel for the revision petitioners submitted that the erstwhile power agent namely Murugesan had purchased the suit property on 03.01.2022 and hence the learned trial Judge ought to have substituted the name of Murugesan as power agent of the plaintiff.

4. It is at the option of the plaintiff to change her power agent so long as the erstwhile power agent Murugesan does not come and claim that power given in his favour has not been cancelled. Even if it is stated by the defendants that they are aggrieved, they can only raise all those issues, only if their petition filed to setting aside the *ex parte* decree is allowed and the suit is restored for trial. Hence, I do not find any ground for interference.

5. Accordingly, this Civil Revision Petition is dismissed and the docket order dated 08.06.2022 passed by the learned District Munsif, Tiruppur District in I.A.No.573 of 2021 in I.A.No.494 of 2020 in O.S.No.376 of 2018 is hereby confirmed. No costs.



01.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The District Munsif, Tiruppur District.



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R.N.MANJULA, J.

sri

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