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S.SOUNTHAR, J.

A.No.2729 of 2023

in

C.S.No.559 of 2004

The instant application has been filed by the applicant/plaintiff seeking leave of the Court to produce the Power of Attorney dated 30.10.2019, in favour of the plaintiff namely Syed Abdul Kader and the Board resolution based on which the Power of Attorney was executed in favour of the applicant.

2.It is seen from the averments found in the affidavit and also the suit records, earlier the applicant filed an application in A.No. 9116 of 2019, to substitute the name of Syed Abdul Kader in the cause title of the plaint as Power of Attorney of the plaintiff, instead of earlier Power of Attorney Mr.Abdul Hag. The two documents which are sought to be used by the applicant were filed along with the earlier substitution application. This Court by order dated 29.11.2019, taking into consideration the Power Deed and the extract of Board resolution allowed the said application and permitted the applicant to carry out the necessary amendment in the cause title of the plaint. Accordingly, the amendment was also carried out, name of the present Power of Attorney of the plaintiff namely Syed Abdul Kader was substituted in the place of the earlier Power of Attorney of the plaintiff namely Mr.Abdul Hag.



3. Now, the present application has been filed by the applicant/plaintiff seeking to produce the original copies of the above said documents, the photo copies of which were already filed before this Court in the application for substitution.

4. This application is opposed by the second respondent/defendant on the ground that no Board resolution was passed by the plaintiff as claimed by the applicant. The copies of the extract of Board resolution as well as the Power of Attorney were already filed by the applicant in earlier application in A.No.9116 of 2019 and the same was allowed by this Court. Therefore, there is not impediment for this Court to allow this application. However, it is always open to the second respondent to challenge the validity of the Board resolution allegedly passed for the appointment of present Power of Attorney for the plaintiff. The application is allowed subject to the right of second respondent, to argue this point at the final disposal of the suit.

5. Accordingly, the application in A.No. 2729 of 2023 is allowed.

19.06.2023
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