



C.R.P.No.2565 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

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

C.R.P.No.2565 of 2019
and C.M.P.No.16875 of 2019

Veera Pugalendhi

... Petitioner

Vs.

Nagarajan
Rep by his Power Agent
Dhanalaxmi

... 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.753 of 2018 in O.S.No.191 of 2017 dated 31.10.2018 on the file of the learned Subordinate Court at Jayankondam and allow the Revision.

For Petitioner : Mr.S.Vijaya

For Respondent : Ms.M.Senthilvadivu

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 31.10.2018, passed by the learned Subordinate



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Judge, Jayankondam, in I.A.No.753 of 2018 in O.S.No.191 of 2017, thereby allowing the petition filed by the respondent to permit the power agent to represent on behalf of the respondent in the suit.

2. The respondent filed suit in O.S.No.191 of 2017 for recovery of money as against the petitioner. While pending the suit, he executed power of attorney in favour of his power holder on 23.08.2018 in order to conduct the present trial, since the respondent is suffering from diabetic and also residing far away from the Court. Therefore, he could not able to come before the Court. Hence, the respondent filed the above petition and the same was allowed by the trial Court. Aggrieved by the same, the petitioner filed this present Civil Revision Petition.

3. Heard Mr.P.Manish, learned counsel appearing for the petitioner and Ms.M.Senthilvadivu, learned counsel appearing for the respondent.



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4. The only contention raised by the respondent is that when the original plaintiff is examined, the truth will be come out. On a perusal of the affidavit filed in support of the petition in I.A.No.753 of 2018 revealed that the Power of Attorney is none other than her own sister of the respondent and she knows about the transaction between the petitioner and the respondent herein. Further the respondent also suffering from his age ailments and therefore, the trial Court rightly allowed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

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

10.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Subordinate Judge,
Jayankondam.

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