



CRP No.2755 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-01-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

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And

CMP Nos.14459 of 2022 and 418 of 2023

K.Varadharajan

.. Petitioner

vs.

1.Bhakiyalakshmi

2.R.Indirani

3.P.Shanmugapriya @ Poornima

4.Praimalam

.. Respondents

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the petition and order dated 04.08.2022 in IA No.4 of 2022 in OS No.11 of 2017 pending on the file of the learned IV



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Additional District Judge, Bhavani and to set aside the same.

For Petitioner : Mr.R.Ravindra Ram

For Respondents-1 to 3 : Mr.S.Bharanidharan

For Respondent-4 : No Appearance

ORDER

The present Civil Revision Petition has been filed against against the petition and order dated 04.08.2022 in IA No.4 of 2022 in OS No.11 of 2017 pending on the file of the learned IV Additional District Judge, Bhavani and to set aside the same.

2. The revision petitioner is the plaintiff instituted the suit for recovery of money. The first respondent is represented by Power of Attorney Mr.K.L.Rajasekar filed Interlocutory Application in IA No.4 of 2022 to permit Mr.K.L.Rajasekar to act as Power of Attorney of Smt.Bhakkiyalakshmi, who is the second defendant in the suit.



3. The said Interlocutory Application was allowed by the Trial Court. Accordingly, Mr.K.L.Rajasekar was permitted to act as Power of Attorney of the second defendant Smt.Bhakkiyalakshmi.

4. The Trial Court allowed the Interlocutory Application. The revision petitioner raised an objection by stating that there is discrepancy in the Power of Attorney regarding the date mentioned by the witness and the date on which the Power of Attorney Deed was executed.

5. Perusal of the copy of the Power of Attorney Deed would reveal that the same was executed on 10th day of December 2018. The witnesses have signed by stating that '12.10.2018'.

6. The said discrepancy was cited by the learned counsel for the petitioner to establish that the Power of Attorney was improperly executed. Further the Power of Attorney Deed was invalidated.



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7. The learned counsel for the respondent clarified by starting that in the United States of America, the year will be mentioned first, the month and the date will be mentioned thereafter.

8. Taking note of the above contention, it is to be accepted since even in the Power of Attorney Deed, the year i.e., 2018 has been mentioned first, the month and the date mentioned thereafter as December 10th. Therefore, the date mentioned by the witnesses is also to be read in the same manner and further more, the Notary also signed in the same way as January 19, 2020. Thus the date mentioned by witnesses as 12.10.2018 is to be read as 10th day of December 2018, which is the date on which the Power of Attorney Deed was executed. Accordingly, there is no discrepancy as such in the present Civil Revision Petition.

9. Thus this Court find no infirmity in respect of the order dated 04.08.2022 passed by the trial Court in IA No.4 of 2022 in OS No.11 of 2017 in allowing the second defendant to represent through her Power of



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Attorney as per the Deed.

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10. Accordingly, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

06-01-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

The IV Additional District Judge,
Bhavani.



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S.M.SUBRAMANIAM, J.

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