



A.No.1306 of 2022
in C.S. No.137 of 2011

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R.N.MANJULA, J.

The second plaintiff has filed an application to recognise the deponent of the affidavit attached to the application as Power of Attorney of the second plaintiff in the suit and to permit her to conduct the suit in her capacity as her power agent.

2. The deponent of the affidavit attached to the application is one Mrs.Keerthiga. In her affidavit she had stated that she is the wife of the second plaintiff and the first plaintiff is her mother-in-law. The second plaintiff and his mother had filed suits for various reliefs in respect of the suit property. Since the second plaintiff is employed at Saudi Arabia it is not possible for him to come and attend the cases which are pending in India. Hence the second plaintiff had given Power of Attorney in favour of the deponent by permitting her to represent him in the pending litigations on his behalf.

3. However the learned counsel for the defendants 1 to 3 has raised objection by stating that the deponent has declared herself as the wife of the second plaintiff but in paragraph No.10 of the plaint, the second plaintiff has stated that he had married one Jaina Thomas; since the relationship itself is not



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clear the application filed by the second plaintiff might suffer from pleading false facts before the Court; the reliefs sought would only show that the reliefs are in respect of the suit schedule properties and not about any status of the parties or their relationship.

4. The learned counsel for the applicant submitted that the said Jaina Thomas was divorced by the second plaintiff and only thereafter he had married the deponent Keerthiga and hence Keerthiga alone is the legal wife now; the said Jaina Thomas is not a party to the proceedings; had the objection about the relationship of the deponent with the second plaintiff is raised by the said third party by name Jaina Thomas it is understandable that the relationship between the deponent and the second plaintiff is doubtful; so the falsity of the facts affirmed by the deponent in her affidavit cannot be viewed suspiciously without any reasons; so far as the defendants 1 to 3 are concerned the first defendant is daughter-in-law of the first plaintiff and the 2 and 3 defendant are the children of the first defendant; so far as the relationship in which the defendants stand with the first plaintiff is not in dispute; even for the sake of argument, it is admitted that there is any doubt with regard to the relationship of deponent with the second plaintiff, the fact remains that the deponent is legally appointed as



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power of attorney of the second plaintiff; so the matter is foreign to the issues involved in the case and it need not cause any hurdles in allowing this application.

5. The application is attached to the affidavit of power agent in accordance with the rules. It is seen that the certified copy of the power of attorney alone is produced and that is being objected by the learned counsel for the applicant. However it submitted by the applicant that the original power of attorney lies in some other proceedings.

6. Since the second plaintiff had stated that he is working abroad and it is not possible for him to make his personal appearance in-person and prosecute the cases pending against him, I am satisfied with the reasons stated by the second plaintiff to recognize his power agent and permit him to represent on his behalf in all the litigations as stated in the power of attorney document.

7. In view of the above stated reasons, this application is allowed.

06.04.2023

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