



Application No. 1975 of 2024

in

O.P. No. 24 of 2024



**C.V.KARTHIKEYAN, J.**

The application has been filed seeking to permit the first respondent to be represented by a power of attorney, who incidentally is also her son.

2. In the affidavit filed in support of the judges summons, it had been sated that the first respondent is a senior citizen of advanced age and is a permanent resident of Madurai and therefore, it would not be possible for her to come over to Chennai either to tender evidence or to participate in the proceedings. It is for that purpose she seeks permission to be represented by her son, who incidentally also her power of attorney.

3. A counter has been filed questioning the right of the first respondent to claim title. However, this Court is not examining the title, but rather the burden is on the petitioner to prove the Will in the manner known to law.

4. The petitioner is placed on caveat that the power of attorney cannot adduce evidence, except to what he directly knows and cannot be a substitute for his mother with respect to the facts to her knowledge. The petition stands allowed.

5. Necessary amendments to be carried out by the learned counsel for the petitioner. Ameded petition to be filed.