



C.R.P.No.1154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.1154 of 2024

and

C.M.P. No.5947 of 2024

1. R. Munusamy S/o. Raman

2. Thanya Shree D/o. R. Munusamy

... Petitioners

vs.

R. Meenakshi W/o. Ramasamy Udaiyar

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of Code of Civil Procedure, praying to set aside the fair and decreetal order dated 30.01.2024 in I.A. No.3 of 2023 in O.S. No.6264 of 2019 on the file of the learned II Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr. M. Sivavarthanan

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court recognising one Uma maheswari / respondent's daughter as a



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Power Agent to conduct the case.

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2. The respondent herein filed a Suit for recovery of money against the petitioners in their capacity as representatives of estate of deceased Bhuvaneswari. The respondent herein filed the instant application seeking recognition to her daughter Uma Maheswari as a Power Agent to represent her in the suit proceedings. The said application was allowed. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel for the petitioners submits that the Power Deed in favour of Uma Maheswari was executed only on 21.08.2023. Therefore, the said Umamaheswari is not competent to depose about the Suit transaction, which allegedly had taken place earlier. In such circumstances, the order passed by the Trial Court recognizing her to conduct the suit proceedings on behalf of the respondent is unsustainable in law. By impugned order, the Trial Court only recognized the Uma Maheswari, daughter of respondent, as a Power Agent to conduct the case. Whether the evidence of said Power Agent is useful or not or whether she is competent to speak about the suit transaction are all the matters to be considered at the time of final disposal and the same need not be considered at the time of recognizing Power Agent



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to enable her to represent the respondent.

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21.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

To

The II Additional Judge, City Civil Court, Chennai.



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S.SOUNTHAR, J.

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