



C.M.P.(MD)No.11045 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22-10-2024

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.M.P.(MD)No.11045 of 2024

in

S.A.(MD)No.99 of 2015

MARIYA KULANDAI AMMAL (DIED)

1 E.SAVARIMUTHU UDAYAR (DIED)

2 AROCKIAMARY

3 ANTHONISAMY

4 SEBASTI AMMAL

5 JESURANI

6 SAHAYAMARY

... PETITIONER(S)

Vs

1 SENTHAMARAI KANNAN (DIED)

REP BY HIS POWER AGENT

R.RAMADOSS

2 V.BOOMINATHAN

3 R.SULOCHANA,

(3<sup>rd</sup> respondent is impleaded as per the order of this court dated 03-09-2024 made in CMP(MD).No. 14181 of 2023 in SA(MD).No. 99 of 2015)

... RESPONDENT(S)

For Petitioner(s):

Mr.V.THIRUMAL

For Respondent(s):

Mr.N.TAMILMANI



C.M.P.(MD)No.11045 of 2024

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## ORDER

This second appeal arises out of A.S.No.28 of 2012 on the file of the Additional Sub Court, Thanjavur. Out of six appellants, the first appellant is no more. The appellants had earlier given power of attorney in favour of N.Rajendran, S/o.Nagarajan. Some difference of opinion has arisen between the appellants and their power agents. They have therefore revoked the power of attorney. They filed this miscellaneous petition for revocation and seek leave to conduct the second appeal on their own.

2.Counter affidavit has been filed by Rajendran. Paragraph Nos.2 and 3 of the said counter affidavit are as follows:-

“2. I humbly submit that, I have filed the above Second Appeal in S.A.(MD)No. 99 of 2015 as power agent of the appellants. I humbly submit that I have spent huge money for conducting the case on behalf of the appellants and the appellants received money from me time to time during the pendency of the case. But now I came to know that the above appellants cancelled the power deed executed by them in my



C.M.P.(MD)No.11045 of 2024

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favour due to ill advice of somebody. Thereafter when I contacted the appellants they promised me that they are ready to execute a power deed in my favour in a short period of time.

3. I humbly submit that, the cancellation of power deed executed by the appellants are obtained by misrepresentation and false promise. Hence it is just and necessary to dismiss the above petition otherwise I would suffer much hardships and loss."

3.Thus, even according to power agent / Rajendran, the power of attorney given in his favour has been cancelled. In these circumstances, he no longer has any leg to stand. This miscellaneous petition is allowed.

sd/-  
22/10/2024

/ TRUE COPY /

15/04/2025  
Sub-Assistant Registrar ( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

IAS  
TO

1 THE ADDITIONAL SUBORDINATE JUDGE,  
THANJAVUR.

3/4



C.M.P.(MD)No.11045 of 2024

2 THE DISTRICT MUNSIF,  
THANJAVUR.

+1 CC to M/s.V.THIRUMAL, Advocate ( SR-12937[I] dated 23/10/2024 )

+1 CC to M/s.N.TAMILMANI, Advocate ( SR-12981[I] dated 23/10/2024 )

ORDER  
IN  
CMP(MD) No.11045 of 2024  
in S.A.(MD)No.99 of 2015  
Date :22/10/2024

HPS/SAR / 15.04.2025/4P/5C

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