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C.R.P.No.722 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No.722 of 2025

&

C.M.P.No. 4121 & 4122 of 2025

K.M.Shahina Parveen

...Petitioner

Vs.

Thameem Khaja Mohideen

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 02.12.2024 made in IA.No.3 of 2024 in CMA.No.27 of 2024 on the file of the V Additional District Judge, Chennai.

For Petitioner : Mr. K.M. Mohamed Habib
Party in Person



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ORDER

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Challenging the order passed by the V Additional Judge, City Civil Court, Chennai in IA.No.3 of 2024 in CMA.No.27 of 2024, the respondent therein has filed the above civil revision petition through her power agent. The facts are briefly set out herein below.

2. The petitioner herein had filed a suit OS.No.6459 of 2024 on the file of the XVII Assistant Judge, City Civil Court, Chennai, for permanent injunction restraining the defendant, his men and agents etc., from constructing a building or any structure or making any alteration in the suit property and restraining them from entering, disturbing, interfering with the peaceful possession and enjoyment of the suit property.

3. The defendant / respondent herein was set ex parte on 29.11.2023. The respondent had filed I.A.No.5 of 2024 in O.S.No.6459 of 2024, to set aside the ex parte order. He would submit



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that the reason for not appearing was on account of the revision petitioner / plaintiff not serving proper notice upon him. The said application was moved by the power agent of the respondent.

4.The said application was allowed by the learned XVII Assistant City Civil Judge, Chennai on 07.03.2024 on cost of Rs.300/-. This order was challenged by the petitioner in CMA.No.27 of 2024 on the file of the V Additional Judge, City Civil Court, Chennai. In the said appeal, the power agent of the respondent / defendant had filed IA.No.3 of 2024, to recognise him as a power agent of the petitioner under Order III Rule 2 of the CPC.

5. The said application was filed by the respondent herein for the following reasons. The respondent had contended that he is working at Sharja, UAE and is therefore unable to appear before the Court. Therefore, in order to take care of his interest in the suit he has appointed a power agent under a power deed dated 08.12.2023, which is executed at Consulate General of India, Dubai and the same was

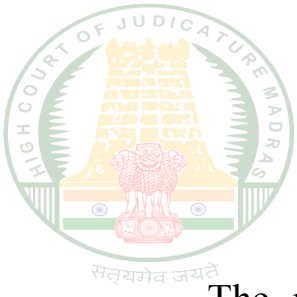


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adjudicated before the SRO, Adyar to look after the properties. The respondent would submit that he has also filed a suit in OS.No.3570 of 2023 against the petitioner herein and had obtained interim order of injunction against the petitioner.

6. A counter statement was filed by the power agent of the revisin petitioner stating that his name has been wrongly spelt and the power agent document suffered defects. That apart, the validity of the document is till 07.01.2024 and it should be renewed every month at Registrar's Office since power was invalid and the permission to sue should be dismissed.

7. The learned Judge after considering the evidence had come to the conclusion that the defendant had appointed the power agent and same has been adjudicated. By allowing the power agent to contest the case it would not in any way prejudice the case of the plaintiff. Therefore, a leave was granted.



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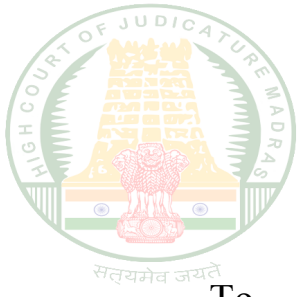
8. Challenging the same, the party in person is before this Court.

The party in person himself is a power agent of his wife. His contention is that the power is not a valid one. However, it is seen that the power which is executed at Sharjah has been adjudicated in India. Therefore, it has the same force as the power registered in India. The power agent has been authorised to take care of the defendant's property and if the petitioner is of the opinion that the document is a concocted one it is well open to him to question the power agent at the time of trial.

9. The learned V Additional Judge, City Civil Court, Chennai, has rightly dismissed the application and I see no reason to disagree with the same. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To
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The V Additional District Judge,
Chennai.



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P.T. ASHA, J,

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