



C.R.P.No.1255 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.1255 of 2025

C.M.P.No.7529 of 2025

1.B.Ganesan

2.B.Kousalya

3.B.Barathi

...Petitioners

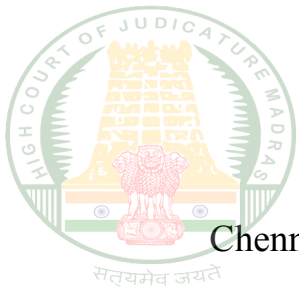
(petitioners 1 to 3 represented
by their power of attorney Agent
Mr.T.Arun)
(Cause title accepted and Mr.Arun power
of attorney to petitioners 1 to 3 vide court
order dt.13.03.2025 made in C.M.P.Nos.5133/2025
& 5137 of 20225 in C.R.P.Sr.No.32280 of 2025)

Vs.

Uma Ramanathan

...Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order passed in I.A.No.7 of 2024 in O.S.No.6386 of 2004 dated 20.01.2025 on the file of III Assistant Judge, City Civil Court at Chennai and allow the I.A.No.7 of 2024 in O.S.No.6386 of 2004 on the file of III Assistant Judge, City Civil Court,



Chennai.

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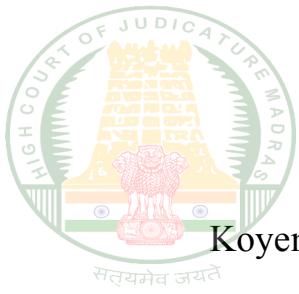
For Petitioners : Mr.P.W.George Graha for
Mr.Devadason and Sagar
For Respondent : Mr.S.Jaganathan

ORDER

Challenging the dismissal of their application to permit the power of attorney to represent them in the suit, the revision petitioners/ the proposed defendants 12 to 14 are before this Court.

2.The short facts are set out herein below:-

The respondents herein had filed the suit O.S.No.6386 of 2004 on the file of III Assistant City Civil Court, Chennai seeking an injunction restraining the defendants her men and agents from interfering with the plaintiff's peaceful possession and enjoyment of the suit property. It is her case that the property measuring an extent of 2 acres 37 cents comprised in Old Survey No.12/4, 12/5 and 12/6, Koyembedu Village was jointly owned and possessed by one Veerasamy Pillai and Adhi Pillai both sons of Vasudev Pillai. The brothers had entered into a partition in respect of various joint family properties including the suit property under a registered partition deed dated 24.02.1934. As per this partition, lands measuring 1 Acre 17 cents comprised in S.Nos.12/4, 12/5 and 12/6,



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Koyembedu Village was allotted to the share of Veerasamy while remaining 1 acre 20 cents was allotted to the share of Adhi Pillai.

Veerasamy had formed a layout in respect of his property facing 20 feet road (now known as Jai Nagar 2nd Main road). In this lay out he has sold plot Nos.5 and 6 measuring 2400 sqft and 2587 sqft respectively in favour of R.Kailasam, the father of the plaintiff under a registered sale deed dated 12.06.1962. R.Kailasam, the father of the plaintiff died intestate on 29.07.2003. He had left behind him surviving his wife Thailambal Kailasam, his son Ramu Kailasam and his Daughter Uma Ramanathan/the plaintiff herein as his only legalheirs. Both her mother and brother had executed a registered deed of release dated 21.07.2004 releasing their 2/3 share in the property in favour of the plaintiff herein. The plaintiff would submit that some miscreants had attempted to trespass into the property. Therefore, left with no other alternative they have filed the above suit.

3.The defendants 1 and 2 had passed away and their legal representatives were brought on record as defendants 12 to 14. One T.Arun represented the legal heirs of the deceased defendants as their power agent. All of them had been impleaded as legal heirs of the



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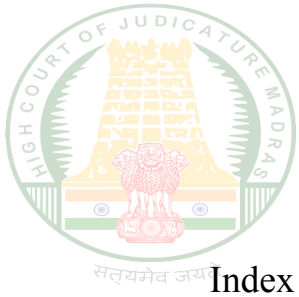
deceased 12th plaintiff as per order dated 17.04.2024 in I.A.No.7 of 2024.

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Thereafter they had come forward with the application which is the subject matter of this revision i.e. I.A.No.7 of 2024 seeking to be represented by their power agent. This petition has been dismissed by the learned Judge on the ground that defendants 12 to 14 were in their early 30's whereas , the power of agent is 70 years old. Challenging the same the petitioners are before this Court.

4.Heard the learned counsels on either side and perused the records.

5.From the records, it is seen that the very same power agent had been nominated for defendants 3 to 11 and he has also deposed as a witness as D.W1. He has not only marked documents but has also been extensively cross examined by the plaintiff. Therefore, there is no justifiable reason for not granting permission to the power agent to represent the defendants 12 to 14. Therefore, the Civil Revision Petition is allowed and the order dated 20.01.2025, passed in I.A.No.7 of 2024 in O.S.No.6386 of 2004 is set aside. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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To

The III Assistant Judge, City Civil Court, Chennai.



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