



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 13.06.2025

CORAM

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THE HONOURABLE MR JUSTICE P.B. BALAJI

C.R.P.No.4699 of 2024 and

C.M.P.No.26290 of 2024

- 1 Noor Jahan
- 2 B.Tharik Hasan
- 3 B.Tasleem Harif
- 4 B.Natheera Vasima

... Petitioners

Vs.

- 1 D.Eugene
Anthoniammal (Died)
C.Arokiasamy (Died)
P.S.M.Buhari (Died)
- 2 The Tahsildar,
Tiruvallur Taluk,
Having office at J.N.Road,
Tiruvallur Town and Taluk.
- 3 The Sub Registrar,
Perambakkam, Having Office at
Perambakkam Village and Post,
Tiruvallur Taluk and District.
- 4 Siluvammal
- 5 B.Dhowfic Ahmed

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decretal order dated 18.09.2024 made in IA No.9/2024 in OS No.43/2007 passed by the Principal District Munsif at Tiruvallur.



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CRP.No.4699 of 2



For Petitioners : Mr.N.Senthil Kumar

For Respondents : Mr.R.Selvakumar for R1
Mr.C.Sathish,
Government Advocate for R2 & R3
No appearance for R4 and R5

ORDER

Heard the learned counsel for the parties, in furtherance of the query posed by me at the last hearing i.e., 06.06.2025.

2. Mr.N.Senthil Kumar, learned counsel for the petitioners would fairly submit that the Power of Attorney that has been produced before the trial Court is in a defective form. However, placing reliance on the decision of this Court in ***K.Santhanam Vs. S.Kavitha*** reported in ***2011(1) CTC 286*** as well as the decision of this Court in ***CRP(PD).No.227/2019 dated 13.12.2021*** in ***V.Ponnusamy (Died), A.Jesudoss Vrs. K.Sivaprakasam (Died) M.S.Saravanan & Anr***, the learned counsel for the petitioner would state that though the power of attorney that has been presently filed and relied upon is in defective on the face of it, yet this Court can permit the petitioner to ratify the actions of the power agent by executing a proper and fresh power of attorney. He would further submit that such a properly executed power of attorney is also ready and would be filed before



the trial Court.

CRP.No.4699 of 2

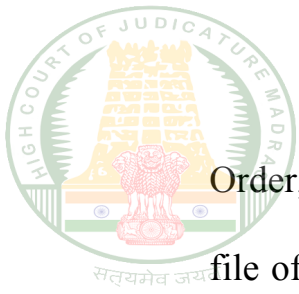


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3. The learned counsel appearing for the Respondents would state that if any such proper power of attorney is produced, then the respondents may not have any serious objection for the petitioner being represented by the power agent. He would further contend that the concession shown here should not be construed as allowing the power agent to speak for the principal which is not permissible, in the light of the decisions of the Hon'ble Supreme Court as well as this Court.

4. In this regard, the decision relied on by the learned counsel for the petitioner in *Ponnusamy's case* cited supra would be relevant. As rightly held in the said decision, examination of the Power of Attorney on behalf of the Principal is a different aspect and that by itself cannot be a reason to refuse permission to the power agent to prosecute the case, as power agent on behalf of the Principal. However, it is made clear that it is always open to the power of attorney to speak about the facts that are well within his personal knowledge.

5. In view of the same, this Civil Revision Petition is allowed. The



Order, dated 18.09.2024 in I.A.No.9 of 2024 in O.S.No.43 of 2007 on the file of the Principal District Munsif, Tiruvallur is set aside giving liberty to the petitioner to file a properly executed fresh power of attorney, within a period of two weeks from the date of receipt of a copy of this order. On such production of the Power of Attorney, the application in I.A.No.9 of 2024 in O.S.No.43 of 2007 which is under challenge in this Civil Revision Petition shall be allowed by the Trial Court and thereafter the trial Court shall permit the power agent to prosecute the case on behalf of the Principal. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes / No

vum

To

The Principal District Munsif at Tiruvallur.



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CRP.No.4699 of 2

P.B. BALAJI,J.

vum

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