



CRP(MD)No.704 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2025

CORAM:

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

CRP(MD).No.704 of 2025

and

CMP(MD)No.3754 of 2025

Lakshmi Dhandayuthapani

.. Petitioner

Vs.

1.Arunachalam

.. 1st Respondent

2.The Branch Manager

Indian Bank,

No.21, Sathanur Main Road,

Sundar Nagar Branch,

Trichy.

.. 2nd Respondent

For Petitioner

:

Mr.G.Gomathisankar

Prayer: This civil revision petition is filed under Article 227 of the Constitution of India against the order and decree dated 21.01.2025 made in I.A.No.419 of 2024 in O.S.No.96 of 2021 on the file of the Additional District Munsif Court, Kumbakonam.



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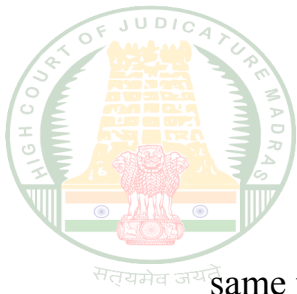
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ORDER

The first defendant as filed in O.S.No.166 of 2024 on the file of Additional District Munsif Court, Kumbakonam has filed this revision petition challenging the order passed by the trial court wherein the trial court had dismissed an application filed by the defendant to eschew Exhibits A1 to A7 that were marked through P.W.1.

2. A perusal of the records reveals that the first respondent in the revision petition has filed the suit for the relief of mandatory injunction and for permanent injunction. Pending suit the plaintiff had filed an application, seeking the permission of the court to appoint a power agent and represent the plaintiff through the power agent. The said application was allowed despite being resited by the defendants.

3. The power agent was examined as P.W.1. Through him Exhibits A1 to A7 were marked. The present application has been filed by the first defendant in I.A.No.419 of 2024 seeking the prayer to eschew the Exhibits A1 to A7 from the record on the ground that the power deed executed by the plaintiff in favour of the power agent is not valid and therefore, the documents marked through the power agent should be deleted. This application was dismissed by the trial court, challenging the



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same the present revision petition has been filed.

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4. According to the learned counsel appearing for the revision petitioner, the power deeds said to have been executed by the plaintiff in favour of the power agent is not valid in the eyes of law. That apart, the plaintiff has not entered into box for giving evidence. The brother of the plaintiff has been appointed as a power agent and through him Exhibits A1 to A7 have been marked. In such circumstances the documents marked through the said power agent has to be eschewed.

5. Heard the learned counsel appearing for the revision petitioner and perused all the materials available on record.

6. The plaintiff had filed an application, seeking permission of the court to appoint his brother as a power agent to prosecute the suit. This application, though resisted by the defendants, has been allowed by the trial court. The said order has not been challenged by the defendants. In such circumstances, the documents marked through the power agent cannot be eschewed. In case, if the defendants feel that the power agent do not have any personal knowledge about the facts of the case, it is for them to raise such an objection during the trial.



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7. With the said observations and directions, this civil revision petition stands disposed off. No costs. Consequently, connected miscellaneous petition also stands closed.

11.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Additional District Munsif Judge,
Kumbakonam.

2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J.

nst

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