

C.R.P.(MD)No.1825 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2025

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CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P(PD)(MD)No.1825 of 2025

and

C.M.P(MD)No.10056 of 2025

John Kennady

... Petitioner

Vs.

1.Rajappan

Nambi @ Nambiraja (Died)

2.Ganesan

3.Chidambaram

4.Krishnaveni

5.Mangalamoorthy

6.Kalaivani

Muthuswamy @ Gunasekaran (Died)

7.Lekshmanan @ Ravichandran

8.Asokan

9.Chenthil

10.Nagarajan

11.Ramadhas @ Babu

12.Arunachalam @ Reghu

13.Lekshmi

14.Revathi

15.Mariyammal

16.Maharajan

17.Chithra

... Respondents

PRAYER: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the order dated 16.04.2025 made in I.A.No. 12/2025 in O.S.No.196/2011, on the file of the II Additional District Munsif Court, Nagercoil.



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For Petitioner : Mr.S.Sakthi Siddharth

ORDER

This Civil Revision Petition is filed challenging the order dated 16.04.2025 made in I.A.No.12 of 2025 in O.S.No.196 of 2011 on the file of the II Additional District Munsif Court, Nagercoil.

2.The petitioner is the power agent of the plaintiff Muthammal. The said Muthammal filed a suit in O.S.No.196 of 2011 on the file of the II Additional District Munsif, Nagercoil seeking permanent injunction. The plaintiff is presently aged about 78 years and she had appointed the petitioner as her power agent and has executed a registered power deed to represent on her behalf and also to administer on her behalf in the year 2018 and in the said power deed, the subject property details are correct, but the suit number came to be mistakenly typed out. Hence, the plaintiff had also executed a another power deed in favour of the petitioner and the same was presented before the Court under Order II Rule II, CPC, 1908 to recognize the power. The said petition has been dismissed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioner would submit that the petitioner has filed an application in I.A.No.12 of 2025 before the II Additional District Munsif, Nagercoil seeking to recognize him as power agent of the plaintiff



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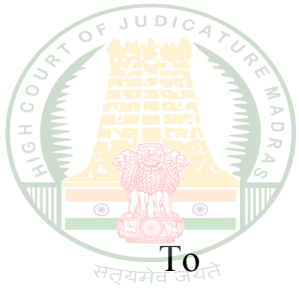
under Order III Rule 2 before the trial Court. In which, the trial Court, during the course of hearing, arrived at a conclusion that the suit number has been wrongly mentioned in the power deed and thereafter, the petitioner filed another power of attorney deed, however, the trial Court has rejected the petition stating that the power of attorney deed cannot be accepted and the relationship also not established and the petitioner is a distant relative of the plaintiff.

4. Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5. In view of the above, this Civil Revision Petition is dismissed directing the petitioner to file a fresh Interlocutory Application by producing the registered power of attorney and also permits the petitioner to produce the legal heir certificate. If the petitioner files a fresh application, the II Additional District Munsif Court, Nagercoil shall consider the same and pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2025

Internet : Yes / No
Index : Yes / No
am



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To

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1. The II Additional District Munsif Court,
Nagercoil.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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