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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1636 of 2023

and

C.M.P(MD)No.8068 of 2023

P.N.M.Family Trust,
Represented by its Trustees

Rajathee (Died)

- 1.Shanthee @ Angayee
- 2.Leelavathi @ Vani
- 3.Shanmugapriya
- 4.Geetha
- 5.Suganya
- 6.Sangeetha
- 7.P.Kalpana
- 8.P.Gayathree
- 9.Muthusamy
- 10.Selvi
- 11.Bhuvaneswari
- 12.Angappan
- 13.Senthilkumar

*(All the petitioners are represented by their
Power of Attorney holder Kamaraj)*

...Petitioners/Respondents 2 to 14/
Plaintiffs 2 to 14

Vs.

C.S.Balakrishnan

...Respondent/Petitioner/Defendant



PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 14-11-2019 passed in I.A.No.867 of 2015 in O.S.No.455 of 2012, on the file of the Principal District Munsif Court, Karur, and allow the present civil revision petition.

For Petitioners : M/s.V.Balaji

For Respondent : Mr.K.Suresh

* * * * *

ORDER

The plaintiffs 2 to 14 in O.S.No.455 of 2012, on the file of the Principal District Munsif Court, Karur, have filed the present revision petition challenging the order passed by the trial Court, wherein the trial Court has cancelled the permission granted to the power agent of the plaintiffs to represent the plaintiffs.

2.A perusal of the plaint reveals that 14 beneficiaries of the P.N.M. Family Trust have filed the above said suit represented by their power of attorney namely, Kamaraj. The said suit was filed for the relief of declaration that a sale deed dated 06.01.2011, standing in the name of the defendant is null and void and for permanent injunction.

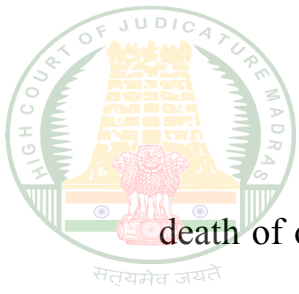


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3. At the time of filing of the suit, the trial Court has granted permission to Mr. Kamaraj to represent the other plaintiffs as their power agent. The first plaintiff has passed away and the defendants have filed I.A.No.867 of 2015, to revoke the permission granted to the power agent on the ground that the power deed would get terminated on the date of the death of the one of the Principals. It was contended by the power agent that he was representing the Trust and therefore, the death of one of the Trustees would not result in termination of the power deed.

4. The trial Court after considering the paragraph No.4 of the plaint and the averments in the power deed, has proceeded to hold that the power deed has been executed by the plaintiffs only in their individual capacity and not as Trustees of the P.N.M. Family Trust. In view of the findings, the trial Court has proceeded to revoke the permission granted to the power agent and directed him to implead the legal heirs of the deceased first plaintiff. Challenging the same, the present revision petition has been filed by the power agent himself.

5. According to the learned Counsel appearing for the revision petitioner, he was only representing the Trust on behalf of the Trustees and therefore, the



death of one of the Trustees would not result in termination of the power deed.

However, this Court after perusing Paragraph No.4 of the plaint found that even as per the plaint averments, the Trust has been dissolved on 29.03.1996. A perusal of the power deed also reveals that the Trust has already been dissolved. In such circumstances, the contentions of the learned Counsel appearing for the revision petitioner, that the Trust is alive and he is representing the Trust is not legally sustainable. Therefore, it is clear that the power deed has been executed by the plaintiffs only in their individual capacity.

6.The learned Counsel appearing for the revision petitioner, on instructions, has submitted that he would require two months time to get a fresh power deed from the plaintiffs 2 to 14 and the legal heirs of the deceased first plaintiff. The power agent has filed affidavit to the said effect on 27.03.2025. The affidavit is taken on record.

7.In view of the above said facts, the order of the trial Court stands confirmed with liberty to the power agent, namely, Kamaraj, to get a fresh power deed from the plaintiffs 2 to 14 and the legal heirs of the deceased first plaintiff on or before **30.06.2025**. In case, no power deed is presented, the plaintiffs have to prosecute the suit in their individual capacity after impleading the legal heirs of the deceased first plaintiff.



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8. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

27.03.2025

Internet: Yes/No
Index: Yes/No
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To

The learned Principal District Munsif, Karur.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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