



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2224 of 2025
and
C.M.P.(MD).No.13217 of 2025

1.S.Karupaiah Pillai

2.K.Moorthy

3.S.Vijaya

...Petitioners

Vs.

1.Vijayalakshmi

2.Chitra Sheela

3.The District Collector,
District Collector Office,
Velunachiyar Complex,
Dindigul District.

4.The Tahsildar,
Vedasandur Tahsildar Officer,
Vedasandur Taluk,
Dindigul District.

5.The Village Administrative Office,
Ayyalur Village,
Vedasandur Taluk,
Dindigul District.

6.The Executive Officer,
Ayyalur Town Panchayat Office,
Vedasandur Taluk, Dindigul District.

...Respondents



PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.5 of 2025 in O.S.No.139 of 2023, dated 24.07.2025 on the file of the Sub Court, Vendasandur, Dindigul District.

For Petitioner : Mr.N.Marimuthu

For R-3 to R-6 : Mr.B.Saravanan,
Additional Government Pleader

* * * * *

ORDER

This petition has been filed seeking a direction to set aside the order made in I.A.No.5 of 2025 in O.S.No.139 of 2023, dated 24.07.2025 on the file of the Sub Court, Vendasandur, Dindigul District.

2. Since no adverse orders are going to be passed against the respondent Nos.1 and 2, notice to the respondent Nos.1 and 2 is dispensed with.

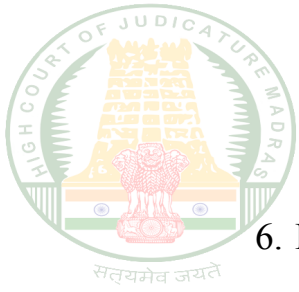
3. The petitioners are the plaintiffs in O.S.No.139 of 2023. The said suit was filed by the petitioners seeking declaration and permanent injunction as against respondents 1 and 2, which is still pending. Pending the suit, respondent Nos.1 and 2 filed an interlocutory application in I.A.No.5 of 2025 before the trial Court, seeking permission to contest the case through their power agent,



one Raja Maheswaran, on their behalf. The said interlocutory application was allowed by the trial Court on 24.07.2025. Aggrieved by the same, the present petition has been filed.

4. The learned counsel for the petitioners submitted that earlier, the petitioners had filed a Civil Revision Petition before this Court in C.R.P. (MD).No.689 of 2025 seeking speedy disposal of the above suit, pursuant to which this Court directed the trial Court to dispose of the suit on or before 31.12.2025. According to the petitioners, respondents 1 and 2 have filed the present interlocutory application only to delay the proceedings. It is further contended that a power agent cannot depose in place of the principal on matters involving personal knowledge, and permitting the power of attorney holder to contest the case will cause irreparable loss and hardship to the petitioners.

5. The facts in the present case are not in dispute. The petitioners have filed the suit for declaration and permanent injunction and has obtained an order from this Court for its speedy disposal. The proposed power agent is none other than the son and brother of respondent Nos.1 and 2. It is stated that the first respondent is an elderly person and the second respondent is a school teacher, and hence, they have appointed the said Raja Maheswaran as their power agent to represent them. Appointment of a power agent from within the family, particularly in such circumstances, would not cause any prejudice to the petitioners.



6. In view of the above, this Court finds no infirmity in the order passed by the trial Court warranting interference.

7. Accordingly, this Civil Miscellaneous Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed. Liberty is granted to the petitioners to raise all permissible defences during the trial before the trial Court.

11.08.2025

Internet: Yes/No

Index: Yes/No

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To

1. The Sub Court, Vendasandur, Dindigul District.

2. The District Collector,
District Collector Office,
Velunachiyar Complex,
Dindigul District.

3. The Tahsildar,
Vendasandur Tahsildar Officer,
Vendasandur Taluk,
Dindigul District.

4. The Village Administrative Office,
Ayyalur Village,
Vendasandur Taluk,
Dindigul District.

5. The Executive Officer,
Ayyalur Town Panchayat Office,
Vendasandur Taluk,
Dindigul District.



C.R.P.((MD)No.2224 of 2019)



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

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M.DHANDAPANI, J.

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