



C.R.P. (MD) No. 2025 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2026

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

**C.R.P. (MD) No. 2025 of 2023
and
C.M.P.(MD) No. 10107 of 2023**

1.G.Selvanayaki

2.M.Radhakrishnan

... Petitioners

-VS-

1.Anbalzagan,

Power Agent of Sittu Subramanian.

2.V.Sembaiyan

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal Order dated 01.03.2023 in I.A. No. 9 of 2023 in O.S. No. 321 of 2015 on the file of Principal Subordinate Judge, Kumbakonam and thereby allow the Civil Revision Petition.

For Petitioners : Mr. S.Venkatesan

For Respondents : Mr. M.Pozhilan (R1)

for M/s.Arulvadivel @ Sekar

Mr. P.Vadivel (R2)



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ORDER

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This Civil Revision Petition invoking under Article 227 of the Constitution of India has been preferred against the Order dated 01.03.2023 passed in I.A.No.9 of 2023 in O.S.No.321 of 2015 on the file of Principal Subordinate Judge, Kumbakonam, by which the plaintiff was permitted to represent by his power of attorney for the sake of recording evidence in the suit.

2. Heard Mr. S.Venkatesan, Learned Counsel for the Petitioners and Mr. M.Pozhilan, Learned Counsel for the First Respondent and Mr. P.Vadivel, Learned Counsel for the Second Respondent and perused the materials placed on record apart from the pleadings of the parties.

3. The pivotal attack on the impugned order by the Learned Counsel appearing for the Petitioners is that the impugned order cannot be sustained as it is contrary to the law laid down by the Hon'ble Supreme Court in *Janaki vs. Janki Vashdeo Bhojwani & Anr vs Indusind Bank Ltd. & Ors* [2005 (2) SCC 217], which has been reiterated in the recent judgment of the Hon'ble Supreme Court in *Manisha Mahendra Gala -vs- Shalini Bhagwan Avatramani* (Order dated 10.04.2024 in Civil Appeal No. 9642 of 2010) has reiterated the legal position that a General Power of Attorney holder though can appear, plead and



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act on behalf of a party he represents, he cannot become a witness on behalf of the party represented by him, as no one can delegate his power to appear in the witness box to another party.

4. Having regard to the aforesaid legal position, the impugned order insofar as it enables the power of attorney to depose evidence on behalf of the plaintiff, who is a witness cannot be sustained and accordingly, the impugned order is set aside. At the same time, it is made clear that this order would not preclude the power of attorney from leading evidence independently as a witness if he is otherwise eligible to do so under law. It is also made clear that the plaintiff is entitled to appoint the power of attorney for other purposes for conduct of the suit.

With the aforesaid clarification, the Civil Revision Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

20.01.2026

Indu

Index : Yes/No

NCC : Yes/No



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N.SENTHILKUMAR, J.

Indu

To

- 1.The Principal Subordinate Judge, Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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