

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

CIVIL REVISION PETITION NO: 3920 OF 2025

Petition under Article 227 of the constitution of India aggrieved by the Order dated 07-10-2025 Passed in I.A. No. 168 of 2025 in O.S.No. 75 of 2022 (old OS No.167 of 2018) on the file of the Court of the I Additional District Judge at Warangal.

Between:

1. Polepally Haritha, w/o. Pulla Reddy, aged about 47 years, occ. Household, Rio. H.No.5-1-2, Kesamudram Village and Mandal, Mahabubabad District.
2. Polepally Pulla Reddy, s/o. Raghava Reddy, / aged about 51 years, occ. Business, R/o. Kesamudram Village and Mandal, Mahabubabad District.

...Petitioners/Petitioners/Defendants Nos.1 and 2

AND

1. Guduru Thirumalesh (DIED), (Died per LRs)
2. Guduru Swapna, w/o. Late Thirumalesh(Aged about 41 years, occ. Household, r/o. H.No.20-9-23, Middle Fort, Fort Warangal, Warangal District.
3. Guduru Mani Shankar, s/o. Late Thirumalesh, Aged about 25 years, occ. Student, r/o. H.No.20-9-23, Middle Fort, Fort Warangal, Warangal District.
4. Guduru Shiva Shankar, s/o. Late Thirumalesh, Aged about 24 years, occ. Student, r/o. H.No.20-9-23, Middle Fort, Fort Warangal, Warangal District.
(Respondents 2 to 4 are represented by GPA Holder Bollam Dayakar)

...Respondents /Respondents/Plaintiffs

I.A. NO: 1 OF 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in O.S.No.75 of 2022 on the file of I Addl. District Judge at Warangal, including cross examination of PW-1, pending disposal of the CRP.

I.A. NO: 2 OF 2025

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit me to contest my CRP as party in person, as party in person is having sufficient knowledge and well versed in contested my case as party in person.

Counsel for the Petitioner : Sri Nadipally Ananda Rao

Counsel for the Respondents: Ms. B Pallavi

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CIVIL REVISION PETITION No.3920 of 2025

Dated: 06.02.2026

Between

Polepally Haritha and another.

...PETITIONERS

And

Guduru Tirumalesh Died Per LRs
and others.

...RESPONDENTS

ORDER:

The revision petition is filed challenging the order dated 07.10.2025 in IA.No.168 of 2025 in O.S.No.75 of 2022 (Old O.S.No.167 of 2018) on the file of the I Additional District Judge, Warangal.

2. For the sake of convenience, the parties herein are referred as arrayed in O.S.No.75 of 2022.

3. The defendants 1 and 2 filed a petition in IA.No.168 of 2025 in O.S.No.75 of 2022 under Section 151 of the Civil Procedure Code, 1908, to eschew the chief examination filed by the General Power of Attorney Holder as P.W.1 and to reject the chief examination of P.W.1.

4. Learned counsel for the petitioners placed reliance on the judgment of the Supreme Court in **MAN KAUR (DEAD) BY LRS. v. HARTAR SINGH SANGHA**¹ and submitted that the GPA holder can depose only on the basis of personal knowledge but he cannot speak on behalf of the plaintiffs or other witnesses.

5. In the application filed in IA.No.168 of 2025, it was contended that the GPA Holder, Bollam Dayakar, is not competent to appear as witness on behalf of the plaintiffs in the capacity of the plaintiffs under the alleged GPA dated 20.12.2021. The GPA does not authorize the power of attorney holder to enter into the witness box and such power cannot be delegated to the GPA holder.

6. In the counter filed by the plaintiffs it was contended that GPA was appointed to look after the affairs of the plaintiffs in Court cases and the GPA holder filed a petition along with the GPA to permit him to represent the plaintiffs No.2 to 4. The GPA holder gave evidence as P.W.1 and Exs.A1 to A7 were marked. The instant petition is filed only to drag the proceedings.

7. The trial Court by taking note of the judgment of the Supreme Court in **MAN KAUR (DEAD) BY LRS.**'s case (1 supra), relied upon by the learned counsel for the defendants, dismissed the application by holding that the citations relied upon by the

¹ (2010) 10 SCC 512

defendants are not applicable to the present case. The trial Court also extracted second page of the GPA wherein it is stated that it is not possible for the plaintiffs to look after the case in O.S.No.75 of 2022 (Old O.S.No.167 of 2018) and they are appointing the GPA holder to appear, file counter and written statement on their behalf and also to compromise, compound or withdraw the cases and to refer to the cases to arbitration, to give evidence etc. Thus, by recording that the plaintiffs have delegated their power to the GPA holder, the trial Court dismissed the petition. Further, it was also recorded by the trial Court that if the defendants feel that the GPA holder is not in a position to know the suit transaction, it may cause loss only to the plaintiffs and that the defendants would get opportunity to cross-examine the GPA holder.

8. Learned counsel for the petitioners placed reliance on paras 15 to 18 of the judgment of the Supreme Court in **MAN KAUR (DEAD) BY LRS.**'s case (1 supra).

9. In Para 18, the Supreme Court has summarized as to the person who should give evidence in regard to the matters having personal knowledge. For the sake of convenience, Para 18 is extracted below:

"18. We may now summarise for convenience, the position as to who should give evidence in regard to matters involving personal knowledge:

(a) An attorney-holder who has signed the plaint and instituted the suit, but has no personal knowledge of the transaction can only give formal evidence about the validity of the power of attorney and the filing of the suit.

(b) If the attorney-holder has done any act or handled any transactions, in pursuance of the power of attorney granted by the principal, he may be examined as a witness to prove those acts or transactions. If the attorney holder alone has personal knowledge of such acts and transactions and not the principal, the attorney-holder shall be examined, if those acts and transactions have to be proved.

(c) The attorney-holder cannot depose or give evidence in place of his principal for the acts done by the principal or transactions or dealings of the principal, of which principal alone has personal knowledge.

(d) Where the principal at no point of time had personally handled or dealt with or participated in the transaction and has no personal knowledge of the transaction, and where the entire transaction has been handled by an attorney-holder, necessarily the attorney-holder alone can give evidence in regard to the transaction. This frequently happens in case of principals carrying on business through authorized managers/ attorney-holders or persons residing abroad managing their affairs through their attorney-holders.

(e) Where the entire transaction has been conducted through a particular attorney-holder, the principal has to examine that attorney-holder to prove the transaction, and not a different or subsequent attorney-holder.



(f) Where different attorney-holders had dealt with the matter at different stages of the transaction, if evidence has to be led as to what transpired at those different stages, all the attorney-holders will have to be examined.

(g) Where the law requires or contemplated the plaintiff or other party to a proceeding, to establish or prove something with reference to his 'state of mind' or 'conduct', normally the person concerned alone has to give evidence and not an attorney holder. A landlord who seeks eviction of his tenant, on the ground of his 'bona fide' need and a purchaser seeking specific performance who has to show his 'readiness and willingness' fall under this category. There is however a recognized exception to this requirement. Where all the affairs of a party are completely managed, transacted and looked after by an attorney (who may happen to be a close family member), it may be possible to accept the evidence of such attorney even with reference to bona fides or 'readiness and willingness'. Examples of such attorney holders are a husband/wife exclusively managing the affairs of his/her spouse, a son/daughter exclusively managing the affairs of an old and infirm parent, a father/mother exclusively managing the affairs of a son/daughter living abroad."

10. The petition in IA.No.168 of 2025 is filed to eschew the evidence of GPA holder. Learned counsel for the petitioners has not been able to rely on any precedent, which shows that evidence, if any, given by the GPA holder has to be eschewed. The evidentiary value of the testimony given by the GPA holder speaking on behalf of the plaintiffs or something not in his personal

knowledge are the aspects, which need to be considered in the trial. In the opinion of this Court, the petitioners can canvass this point relying upon the judgment of the Supreme Court in **MAN KAUR (DEAD) BY LRS.**'s case (1 supra), at an appropriate time, contending that the evidence of GPA, not based on personal knowledge, cannot be considered. That is essentially a matter to be decided at a later stage but at the stage of adducing evidence, such objection cannot be taken by the petitioners and this Court does not find any illegality or irregularity in the order passed by the trial Court warranting interference.

The civil revision petition is dismissed. The miscellaneous applications, pending if any, shall stand closed. There shall be no order as costs.

Sd/- N.SRIHARI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The I Additional District Judge at Warangal
2. One CC to Sri Nadipally Ananda Rao, Advocate [OPUC]
3. One CC to Ms. B Pallavi, Advocate [OPUC]
4. Two CD Copies

ADK

HIGH COURT

DATED: 06/02/2026

ORDER

CRP.No.3920 of 2025



DISMISSING THE CRP
WITHOUT COSTS

(6)

Ypr

13/2/26