

**IN THE COURT OF V ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BENGALURU**

Dated this the 26th day of March 2025

Present : **SRI.VEDAMOORTHY B.S.**, B.A.(L.), LL.B.,
XXXI Addl. City Civil & Sessions Judge, Bengaluru (CCH-14)
C/c V Addl. City Civil & Sessions Judge, Bengaluru (CCH-13)

O.S.No.1044/2017

PLAINTIFFS : Shyamala & others.

V/s

DEFENDANTS : Gundamma & others.

i.	Provision under which the application is filed	Order III Rule 2 of the Code of Civil Procedure.
ii.	Reliefs sought for	To permit the 8 th defendant to prosecute the case through her Special Power of Attorney holder A.Dhananjaya.
iii.	The date on which the application is filed	27.02.2024
iv.	Number of the application	I.A.No.IX
v.	The date on which the objection is filed	26.03.2024
vi.	The date on which the order was passed on the said application	26.03.2026

ORDERS ON I.A.No.IX

The 8th defendant has filed I.A.No.IX under Order III Rule 2 of the Code of Civil Procedure seeking an order to permit her to prosecute the case through her Special Power of Attorney holder A.Dhananjaya.

2. In support of I.A.No.IX, the 8th defendant has filed her affidavit.

3. The learned Counsel for the plaintiff has filed objections to I.A.No.IX praying to dismiss I.A.No.IX.

4. Heard the arguments of the learned the Counsels for the plaintiff and the 8th defendant on I.A.No.IX. Perused the materials available on record.

5. The following point that has been arisen for my consideration:

Whether the 8th defendant has shown sufficient reason to permit her to prosecute this suit through her Special Power of

Attorney holder A.Dhananjaya ? If so, what order?

6. My answer to the above point is in the Affirmative for the following:

REASONS

7. The plaintiffs have filed this suit against the defendants for declaration of their title on the suit schedule property and consequential relief of permanent injunction. In the affidavit filed by the 8th defendant in support of the present application, she has stated that due to ill-health and family commitments, she is unable to personally appear before this Court. Therefore, she has appointed the 10th defendant as her Special Power of Attorney holder to appear before this Court in this suit, to file necessary applications, sign the affidavits, to file the written statement and to produce the evidences on her behalf. The said reason is satisfactory. The 10th defendant is one of the purchasers of the suit schedule property from the 8th defendant. It is stated by the 8th defendant that the 10th defendant as the knowledge of the facts and circumstances

of the case. In the statement of objection filed by the learned Counsel for the plaintiffs in the present application, no grounds are urged to disallow the 8th defendant from representing the suit through her Special Power of Attorney holder. No prejudice and injustice will be caused to the plaintiffs if the 8th defendant is permitted to represent through her Special Power of Attorney holder. For the above reasons, the 8th defendant has shown sufficient reason to permit her to prosecute this suit through her Special Power of Attorney holder A.Dhananjaya. Hence, I answer the above point in the Affirmative. In the result, I proceed to pass the following :

ORDERS

I.A.No.IX filed by the 8th defendant under Order III Rule 2 of the Code of Civil Procedure is hereby allowed.

The 8th defendant is permitted to represent the suit through her Special Power of Attorney holder A.Dhananjaya.

No order as to costs.

(Typed by the stenographer in the Court computer on my direct dictation, printout taken, corrected and then pronounced by me in the open court today on this the 26th day of March 2026)

(VEDAMOORTHY B.S.)

XXXI Addl. City Civil & Sessions Judge,
Bengaluru.

C/c V Addl. City Civil & Sessions Judge,
Bengaluru.