

ORDERS ON I.A.NO.1

I.A.No.1 is filed by the petitioner/DHR under Order III Rule 2 r/w Sec.151 of CPC, to permit her to produce SPA executed in favour of her attorney holder Sri.Pradeep Reddy, C/o Ramachandra Reddy, Aged about 20 years, R/at 1st Cross, Near BBMP Office, Hoodi Village, Mahadevapura Post, Bengaluru – 560 048, to adduce evidence and contest the above case on behalf of petitioner in this case, in the interest of justice and equity.

2. In the affidavit, the petitioner has stated that due to her sickness, she is unable to be present before this Court. As such, she has executed SPA in favour of her son Sri. Pradeep Reddy to contest the above case on her behalf. He is having full knowledge of the contents of the suit filed by her. She herewith producing the SPA before this Court. If the application is not allowed, she will be put to hardship and injury and on the other hand, no prejudice will be caused to the other side in allowing the same. Therefore, prays to allow the application.

3. On the other hand, the respondent No.1 has filed her objection stating that the petitioner has not made any grounds in her affidavit filed in support of the application and the averments stated in the affidavit is false and no meaning and hence the application is liable to be dismissed. The petitioner has filed this application only to avoid to come before the Court and to avoid deposing

before the Court and subject herself for cross examination by the respondent thinking that she may not avoid in saying true facts before the court and thereby, she is appointing her SPA holder thinking that he can manage to state false before the Court. It is submitted that the petitioner is very much healthy and capable to attend the Court. However, to avoid to come to Court has filed the present application for appointment of SPA Holder and moreover the petitioner has not filed any certificate to show that she is suffering with sickness and not made any grounds in her affidavit to allow the application. Hence, no hardship and injury will be caused to her if with the application is not allowed. Therefore, prays to dismiss the application.

4. Heard and perused the records.

5. The only point that arises for my consideration is:-

“Whether the petitioner has made out a ground to allow these applications?”

6. My finding to the above point is in the **Affirmative**, for the following:-

REASONS

7. I.A.No.1 is filed by the petitioner/DHR under Order III Rule 2 r/w Sec.151 of CPC, to permit her to produce SPA executed in favour of her attorney holder

Sri.Pradeep Reddy, C/o Ramachandra Reddy, Aged about 20 years, R/at 1st Cross, Near BBMP Office, Hoodi Village, Mahadevapura Post, Bengaluru – 560 048, to adduce evidence and contest the above case on behalf of petitioner in this case, in the interest of justice and equity.

8. The respondent No.1 has filed objections to the application stating that the averments stated in the affidavit is false and no meaning. The petitioner has filed the application only to avoid to come before the Court and to avoid deposing before the Court. The petitioner is very much healthy and capable to attend the Court. Therefore, prays to dismiss the application.

9. It is well settled that GPA holder can give evidence only with respect to the facts within his knowledge. The right of the petitioner to proceed the case through GPA holder cannot be denied. No prejudice would be caused to other side. Hence, I proceed to pass the following:-

ORDER

I.A.No.1 filed by the petitioner/DHR under Order III Rule 2 r/w Sec.151 of CPC, is hereby allowed.

For petitioner evidence by
24.03.2026

**(Nisharani A.C)
III ADDL. CITY CIVIL AND
SESSIONS JUDGE, BENGALURU.**