

KABG040001102020



18.02.2026

O.S.No.54/2020

ORDER ON I.A.NO.IV

The applicant/plaintiff has filed the application U/O.III Rule 1 and 2 R/w. Sec.151 of C.P.C. seeking permission of the Court to permit the GPA holder i.e., the son of plaintiff by name Ramesh Dattu Kamble to appear on behalf of the plaintiff to proceed with the case.

2. In the affidavit accompanying the application, the plaintiff has stated that he is suffering from old age ailments and also bedridden and that his GPA holder i.e., the son of plaintiff may be permitted to proceed with the case on behalf of plaintiff. Hence, prayed to allow the application.

3. On the other hand, the counsel for defendants has submitted no objection to the said application.

4. Heard the arguments of plaintiff. Perused the application, affidavit, and materials on record. The plaintiff has filed this suit for the relief of Permanent Injunction against defendants. When the case was set down for plaintiff evidence, the plaintiff has filed this application seeking permission to proceed with the case through his GPA holder. I feel it appropriate to refer the Judgment of Hon'ble High Court of Karnataka in **Sajida Banu Vs. Halema Banu** reported in **2014(4) KCCR 3463** wherein the Hon'ble High Court of Karnataka has held '*when the statute confer power on party to appear in person or through recognized agent (PA Holder) or through a pleader, statute has to be honored. The question of Court granting permission to a party to prosecute the matter through PA Holder does not arise. He should be permitted as a matter of right. Once a power of attorney*

holder enters the witness box and gives evidence whether that evidence has to be acted upon, whether it is direct or hearsay evidence, is to be decided by the trial Court at the time of appreciation of evidence.' In view of dictum of the High Court, party as a matter of right can appear in person or through the recognized agent and the statutory provision has to be honored with. In the case on hand, the application filed by the plaintiff seeking permission for proceeding with the case through his GPA holder requires to be allowed in view of statutory provision as well as above mentioned decision. Hence, I proceed to pass the following :

ORDER

The application i.e., I.A.No.IV filed by applicant/plaintiff U/O.III Rule 1 and 2 R/w. Sec.151 of C.P.C. is hereby allowed.

The plaintiff is permitted to appear through his GPA holder i.e., his son by name Ramesh Dattu Kamble. The said GPA holder is permitted to proceed with the case on

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behalf of plaintiff. However, the said GPA holder shall be conversant with the facts of the case and he shall be in a position to answer questions posed by the other side.

*For evidence of plaintiff by
27.02.2026.*

**Prl. Civil Judge & J.M.F.C,
Belagavi.**