

**IN THE COURT OF THE CIVIL JUDGE & JMFC.,
AT SANDUR.**

Present : Sri. Devaraddy B.A., LL.B, LL.M.
Civil Judge & JMFC., Sandur.

Dated this the 22nd of January, 2025

O.S. No. 58/2020

Plaintiffs : B. Bommaiah and Another.

V/S

Defendant : Syed Ahamed.

I.A. No. III

**Applicant/
GPA Holder** : S.N. Gurubasavaraj.

(By Sri. N.G.K. Advocate)

- V/S -

**Opponents/
Plaintiffs** : B. Bommaiah and Another.

(By Sri. S.P. Advocate)

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ORDERS ON I.A. No. III

The General Power of Attorney Holder of defendant/
applicant filed this application under Order III Rule 2 R/w
Sec. 151 of C.P.C. for seeking permission to appear on
behalf of the defendant as his Power of Attorney Holder.

2. The said application filed by accompanying
affidavit and in the affidavit it is stated that he is the

Power of Attorney Holder of defendant and employee of the defendant's proprietary concern, as such he is known to him since a decade, as such he knows the facts of the case and the defendant has executed power of attorney in his favour to proceed in this case dated 28.10.2021. Further stated that if permitted him to proceed with the case as power of attorney of the defendant no harm will be caused other side. On the other hand, if he is not permitted to proceed with the case then the defendant will be caused great hardship and injustice. Hence prays to allow the application.

3. The learned counsel for plaintiff filed objection on this application and stated that it is not maintainable either under the law or on facts. Further stated that the contents of the present application are created, the Power of Attorney Holder / applicant does not know facts of this case and having knowledge of the schedule property. Further submits that the General Power of Attorney

document which is produced by the applicant is not registered document. Further stated that the grounds which are stated in the present application are not sufficient to allow the General Power of Attorney Holder to proceed with the case on behalf of the defendant. Hence prays to dismiss the application.

4. Heard hearing on IA No. III.

5. On the basis of above contention, the following points arise for my consideration;

1. Whether the application filed by the General Power of Attorney holder of defendant / applicant under Order III Rule 2 R/w Sec. 151 of C.P.C. is deserved to be allowed?

2. What order?

6. Based on the contents of the present application and materials available on the hand, the above points are answered as under;

Point No.1 : In the **Affirmative.**

Point No.2 : As per the final order
for the following;

REASONS

Point No.1 :

7. The plaintiff has filed the present suit for the relief of declaration of title with respect to schedule property and cancellation of the sale deed dated 28.04.2004. Now the General Power of Attorney Holder of defendant has filed this application for seeking permission to appear in this case on behalf of him.

8. It is pertinent to note that on perusal of contents of the affidavit of the present application it shows that defendant has appointed the applicant as his Power of Attorney Holder to proceed the case. It is settled principle of law that if there is grounds to appoint the power of attorney holder to proceed the case then power of attorney holder can permit to proceed the case on behalf of the parties. In the affidavit the General Power of Attorney Holder of the defendant stated that the present applicant

was appointed as his Power of Attorney Holder to prosecute the case on his behalf.

9. The Power of Attorney Holder of the defendant / applicant has filed documents i.e., Affidavit of Special Power of Attorney which is executed by defendant in his favour dated 24.02.202. On perusal of contents of the affidavit and materials available on record, it reveals that it is just and necessary to permit the General Power of Attorney Holder of defendant / applicant to prosecute the case as sought in the application. Moreover, if the application is allowed no injustice will be caused other side.

10. From going through contents of affidavit of the application and also materials available on the hand, this court has come to conclusion that the application filed by the General Power of Attorney Holder of defendant / applicant is deserved to be allowed. Hence, Point No.1 is answered in the **Affirmative**.

Point No.2 :

11. In view of discussion of Point No.1 this court proceed to pass the following;

ORDER

I.A. No. III filed by the General Power of Attorney Holder of defendant / applicant under order III Rule 2 R/w Sec. 151 of C.P.C. is hereby allowed in the interest of justice and equity.

The General Power of Attorney Holder of defendant by name Sri. S.N. Gurubasavaraj S/o S.N. Doddanagowda, aged about 49 years, R/o Samarpane Apartment, 1st Floor, Gurukrupa Colony, Nehru Colony 2nd cross, Ballari is hereby permitted to prosecute the case as sought in the present application.

No order as to costs.

[Dictated to the stenographer directly on the computer, computerized by him corrected and then pronounced by me in the open court on this **22nd day of January, 2025**]

(Devaraddy)

Civil Judge and J.M.F.C.,
Sandur.