

27.01.2024

O.S.No.82/2021

ORDERS ON IA NO.7

The plaintiff and her S.P.A. Holder both are present and plaintiff's counsel is heard on I.A.No.7 filed for appointed of S.P.A. Holder to give evidence on behalf of the plaintiff.

Since the defendants No.1 to 6 are placed exparte, the objections to I.A.No.7 taken as nil.

On hearing the plaintiff on the I.A.No.7, the plaintiff has contended that, the S.P.A. Holder is her well wisher and family friend and since, the plaintiff is a home maker having small children to look after and therefore, she cannot afford to visit the Court again and again.

I am well aware of many of the reported Judgments of the Hon'ble Apex Court about *not delegating the duty of giving evidence to any other person except if the said person has done something on the instructions of the Principal.*

However, I have also come across certain reported Judgments to

the contrary effect that, the Court can permit the G.P.A./S.P.A. Holders to give evidence on behalf of the Principal and the Court can only decide the relevancy, admissibility or otherwise of the evidence of the G.P.A./S.P.A. Holders only at the time of writing Judgment.

Therefore, I am of the considered opinion that, on his or her own peril or hazard a party seeks appointment of G.P.A./S.P.A. Holder to give evidence instead of appearing in person and in this matter the Courts have the least to say and hence, I proceed to pass the following:

ORDER

Subject to the admissibility or relevancy that would be decided only at the time of writing Judgment by this Court, the I.A.No.7 of the plaintiff is allowed.

The case is posted for adduction of evidence by the S.P.A. Holder of the plaintiff on **01.03.2024.**

**Prl. Senior Civil Judge & J.M.F.C.
Devanahalli.**

