

02-03-2023

Pltf. - K.S.S.
D1 & D2 - M.N.G.
D3 - M.C.S.

■ For Orders

ORDER ON I.A. NO.11 FILED UNDER ORDER
3 RULE 2(A) of C.P.C.

The plaintiff has filed I.A. No.11 under order 3 Rule 2(A) of C.P.C. seeking to prosecute the suit through attorney. According to her, due to her health issues she could not appeared and prosecute the suit. Therefore she has appointed attorney to prosecute the suit. Hence she sought permission to prosecute the suit through her attorney.

2. The defendant No.2 filed objections by opposing the said request by contending that the plaintiff is not diligent in prosecuting the suit and she led evidence 06 years ago and failed to tender herself for cross examination. He has also taken the defense pleaded in the Written Statement. Therefore he seeks to reject the application.

3. Admittedly, the plaintiff has filed this suit seeking for the relief of Partition and Separate Possession. Initially, she led evidence as PW1 and case is set down for cross examination. At this stage, she shown her inability to come to court owing to her health issues. Therefore she sought permission to prosecute the suit through her attorney. She led evidence recently. Therefore there is no reason to reject the request of plaintiff. Therefore considering the enabling provision and considering the cause shown in the application, I.A. is allowed and plaintiff is permitted to prosecute the suit through her attorney.

Call on : 06-03-2023 for hearing on other I.A.s.

**Addl. Senior Civil Judge & J.M.F.C.,
Devanahalli.**