

ORDER ON I.A.No.VII

Plaintiff has filed I.A.No.VII under Order 3 Rule 2 of CPC., seeking permission to prosecute the case through her SPA holder i.e., brother in the ends of justice and equity.

2. Plaintiff has sworn to an affidavit in support of I.A and contended that due to her illhealth and inconvenience she is unable to persue the matter pending before this court. Hence she has appointed her brother as SPA to give evidence. If the I.A is allowed no hardship will be caused to the other side and if the I.A is dismissed defendant will be put to great loss and hardship. Hence, prays to permit him to prosecute the case on their behalf. Hence they have appointed him as SPA to give evidence. If the I.A is allowed no hardship will be caused to the other side and if the I.A is dismissed defendant will be put to great loss and hardship. Hence, prays to permit him to prosecute the case on their behalf.

3. Defendants have filed objection to this I.A denied the entire I.A averments as false and further contended that plaintiff has not produced medical certificate issued by the doctors and she has created and concocted some documents for the purpose of filing this I.A. Plaintiff has already completed her chief-examination and now the matter is posted cross-examination and at this stage she had come up with this I.A without any valid grounds and hence prays to dismiss the I.A with exemplary cost in the interest of justice and equity.

4. The points that arise for my consideration are as follows;

1. Whether I.A.No.VII filed by the plaintiffs under Sec.151 of CPC., is deserves to be allowed?
2. What order?
5. Heard affidavit and objection averments and perused the materials placed before me.
6. My findings to the above points are as follows;

POINT No.1 : In the Affirmative

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

REASONS

7. POINT NO.1& 2: Plaintiff has filed the suit for partition and separate possession. Plaintiff has led evidence and now the matter is posted for further chief of PW.1 and at this stage plaintiff has filed this I.A to prosecute the case through SPA. In support of her contention she has produced SPA which states that she is aged about 74 years and due to illhealth she is unable to attend the court and thereby authorizing her brother to prosecute the case. She had also produced some medical documents issued by St. John's medical college hospital which goes to show that she is suffering from illness and taking treatment. Considering the nature of the suit and defendant is aged about 74 years and SPA holder is her brother who has got personnel knowledge about the case, it appears that plaintiff is suffering from deceases and unable to prosecute the case in her independent capacity. Hence,

there is no impediment in allowing the I.A in the interest of justice and equity.

8. POINT No.8: For the aforesaid reasons, I proceed to pass the following;

: ORDER :

I.A.No.VII filed by the SPA holder of plaintiff under Order 3 Rule 2 of CPC., is hereby allowed.

SPA holder by name Sri.Puttagangaiah.S.H is permitted to prosecute the case on behalf of plaintiff.

Call on.-28.07.2026.

(SHILPA.H.A)

**Senior Civil Judge & JMFC.,
Doddaballapura.**