

ORDER ON I.A U/O 3 RULE 2 OF CPC FILED BY THE DEFENDANTS

The learned counsel for defendants filed IA u/O III Rule 2 of CPC seeking to permit to lead the suit on behalf of the SPA holder of the defendants. Both of the defendants are suffering from ill-health as such they are not able to appear before this court and conduct the case. As such they have executed SPA in favour of their SPA holder and granted him authority to conduct the suit on their behalf. As such in the interest of justice and equity and to prevent the irreparable loss and injury to the defendants they pray to allow the application.

2. The Plaintiff in the objections denies the stand of the defendants and states that the application is not maintainable and the defendants have not produced any medical certificate to justify their claim and among other grounds mentioned in the objections he prays to dismiss the application.

3. Heard the counsels. Perused the materials on record.

4. Following points arise for consideration of this court:

1. Whether the defendants have made out grounds to allow the IA u/O III Rule 2 of C.P.C.?

2. What Order?

5. The finding of this court to the above framed points are as follows:

1. Point No.1: In the Affirmative

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

REASONS

6. **Point No.1:** In terms of Order III Rule 2 of CPC the option has been provided to lead the evidence on behalf of the power of attorney holders and also to lead the case on their behalf. The question on whether the said power of attorney holder have personal knowledge about the case or not can be determine by cross examining the said witness and also it can be appreciated while passing the Judgment only because of the reason that the defendants have not produced their medical certificate is not a ground to reject the present application. The defendants have made out grounds to allow the application. As such **Point No.1 answered in the Affirmative.**

7. **Point No.2:** For the reasons mentioned above this court proceeds to pass the following:

ORDER

IA filed by the defendants u/O III Rule 2 of CPC is hereby allowed.

For defendant evidence by 28.08.2025.

Sd/-

**II Addl., Civil Judge & JMFC,
Doddaballapura.**