

L/C for the plaintiff submits that application may be allowed.

2. Heard. The defendant filed I.A.No.5 U/o.3 Rule 2(a) of CPC and permit her to proceed the case through her GPA holder.

3. It is the contention of the defendant that her daughter is carrying and she has to look after her daughter.

4. The plaintiff filed suit against the defendant for specific performance of contract. At this stage, court need not be looked in to merits of the case. At this stage, court has looked in to whether defendant has executed SPA or not.

5. As per under Order III Rule 2 of C.P.C.

2.Recognized agents, - The recognized agents of parties by whom such appearances, applications and acts may be made or done are – persons holding powers of attorney authorizing them to make and do such appearances, applications and acts on behalf of such parties;

(a) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

6. As per Order III Rule 2 of the C.P.C., the GPA holder has right to appear and contest on behalf of the parties. Applicant produced special power of attorney. It appears that applicant authorized the power of attorney holder to do all or any acts, deeds and things on their behalf. 7. In view of decisions reported in I.L.R.2006 page 3129 (Bheemappa and others V. Alisab and others) ***“the power of attorney holder can depose and plead on behalf of the parties”*** Therefore, Power of Attorney holder has got every right to contest the matter. Under the facts and circumstances of the case, it is a fit case to allow the application. Hence proceed to pass the following:

ORDER

I.A.5 filed by the applicant / defendant under Order 3 Rule 2 of C.P.C., is hereby allowed.

No order as to costs.

For D/E. Call on 03.05.2025.

Sr. Civil Judge & JMFC.
Hiriyur.