

Learned counsel for plaintiff files IA.No.5 U/O III Rule 1 and 2 R/w Sec.151 of CPC, along with memo, SPA dated 19.04.2024 and vakalath of SPA holder seeking permission to prosecute the above suit through the SPA holder of the plaintiff.

2. Learned counsel for defendant submits no objection on the above application.

3. Heard both side and also perused the materials available on record.

4. It is no doubt that the SPA dtd: 19.04.2024 is admitted and authenticated before the notary and as per the same the plaintiff has appointed her son as SPA holder to prosecute the above suit on her behalf. The ground urged in the SPA is that due to ill health of the plaintiff, she could not appear before the Court.

5. It is germane here to refer Order 3 of CPC wherein the same provides that the party to the suit may appear through his or her recognized agent or by a pleader appearing, applying, acting as the case may be on his/her behalf. It is also relevant here to refer the decision rendered by our Hon'ble High Court in the case of **Bhimappa & Others V/s Allisab & Others** reported in **2007 (6) KarLJ 286**, wherein it is held that the attorney holder may be permitted for the limited purpose as to prosecute the case on behalf of the principal.

6. Thus on cojoint reading of the provision of law, the decision of our Hon'ble High Court referred supra and the contents of the SPA dtd: 19.04.2024, it appears that the plaintiff has executed SPA in favour of the applicant who is stated to be her son who has also deposed to an affidavit filed in support of the present application. Hence, this Court considers it fit to permit the applicant to prosecute the suit on behalf of the plaintiff. Hence, the following:

ORDER

I.A.No.V filed by the applicant U/O III Rule 1 and 2 R/w Sec.151 of CPC is hereby allowed.

The applicant is hereby permitted to prosecute the above case on behalf of the plaintiff by virtue of SPA dtd: 19.04.2024.

For plaintiff evidence by 02.07.2024.

Sd/-
C/c **ACJ & JMFC., Mudigere.**