

ORDERS ON I.A. NO.III

The plaintiff has filed IA. No.III Under order III Rule 2 of C.P.C. and prays to permit GPA holder to represent case on behalf of plaintiff in order to prosecute the present suit.

2. In support of the application, the plaintiff has filed affidavit and stated that plaintiff is aged about 70 years and he is suffering from old aged related deceases and as such he is unable to travel and he is unable to attend the court and prosecute the case. Hence, he executed GPA in favour of his Son i.e., applicant. Hence, prayed to allow the application.

3. Per contra counsel for defendants submits no objections to the above said IA.

4. Heard on both sides.

5. The points arise for my consideration.

i) Whether the plaintiff has made out a sufficient ground to allow the application?

ii) What order?

5. The answer on the above points are:-

Point No.1 : In the Affirmative

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

REASONS

6. **Point No. 1:** It is contended by the plaintiff that he aged about 70 years and he is suffering from old age related deceases and as such he is unable to attend the court and prosecute the case. Hence, he has executed GPA in favour of GPA holder. As per Under order III Rule 2(A) R/w Sec.151 of C.P.C.

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;

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.

7. As per Order III Rule 2(a) R/w Sec.151 of the C.P.C., the GPA holder has right to appear and contest on behalf of the plaintiff and the plaintiff produced GPA. It appears that plaintiff authorized the GPA holder to do all or any acts, deeds and things on her behalf. 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 plaintiff.”*** Therefore, GPA holder has got every right to contest the matter. Further GPA holder is non other than Son of Plaintiff. Accordingly, I answer point No.1 in Affirmative.

8. **Point No.2:** For the aforesaid reasons, I proceed to pass the following:

ORDER

I.A.No.III filed by the plaintiff U/o.3 Rule
2(A) of CPC is hereby allowed.

The GPA holder is hereby permitted to prosecute the case on behalf of the plaintiff.

For Plaintiff evidence

Call on : 25.01.2024.

Addl. Civil Judge, and JMFC,
Gundlupet.