

ORDERS ON I.A. No.5

The counsel for the plaintiff filed I.A No.5 U/o 3 Rule 2(a) of CPC and praying to permit the GPA holder of the plaintiff by name Borayyan S/o Mayannan, aged about 65 years, Chaluvaryanapura Village, Hangala Hobli, Gundlupete Taluk, Chamarajanagara District to proceed with the case on behalf of the plaintiff.

2. In the accompanying affidavit, the GPA Holder of plaintiff stated that the plaintiff his mother-in-law. She has filed the suit against the defendants for the relief of declaration in respect of the suit schedule property. Further he stated that due to the ill-health and old age ailments plaintiff is not is not able to appear before the court regularly. He know the consequences of the suit. Hence prays to allow the application.

3. On the contrary the defendants filed objections the plaintiff has not approached this Hon'ble Court with clean hands. he has suppressed the material facts. As such, the application filed by the plaintiff is liable to be dismissed. This defendant submits that the suit is filed by the plaintiff. The plaintiff is aware of the suit and the plaintiff has not filed the application before the court for seeking permission. she is heal and healthy and she can come and adduce the evidence the plaintiff has not filed the application or affidavit before the court the application brought by the SPA holder is not permissible in law and her presence is very much necessary for effective adjudication of the present case. He cannot be permitted to represent through her special Power of Attorney holder. Therefore, the application filed by the plaintiff is liable to be dismissed.

4. Further this defendant submits that the plaintiff has instigated this plaintiff to file the present suit. Now, son-in-law of the plaintiff is trying to avoid the plaintiff to be present before this Court. If the plaintiff appears before this Court to give evidence, then the truth will come out and plaintiff has not swore the affidavit in this application and SPA holder can't seek permission before the court on

the ground the application may be rejected. Hence prays to reject the application.

5. Heard by both side and perused the materials placed on record.

6. The present suit has been filed by the plaintiff against the defendant for the relief of declaration in respect of the suit schedule property. The present application has been filed by the GPA holder of the plaintiff praying to permit the GPA holder of the plaintiff by name Borayyan S/o Mayannan, aged about 65 years, Chaluvarayanapura Village, Hangala Hobli, Gundlupete Taluk, Chamarajanagara District to proceed with the case. In support of the application GPA holder of plaintiff except furnishing GPA, he has not furnished any documents to show that plaintiff is suffering from age old ailments.

7. On perusal of the GPA it appears that now the plaintiff is aged about 70 years and she is intending to appoint the said GPA holder in this case to proceed with the case on her behalf. The suit is one for declaration and permanent injunction in respect of the suit schedule properties. At this juncture it is necessary to permit the GPA holder of the plaintiff to act on

behalf of the plaintiff in further proceedings. Hence this court proceed to pass the following:

ORDER

The I.A No.5 filed by the GPA holder of the plaintiff under order 3 Rule 2(a) of CPC is hereby allowed.

The GPA holder of the plaintiff is permitted to appear on behalf of the plaintiff.

For plaintiff's evidence finally.

Call on: **22.06.2026**

***Prl. Civil Judge & Jmfc,
Channarayapattana.***