

ORDERS ON IA No.I

The plaintiff No.1 has filed the application under Order III Rule 2 read with Section 151 of CPC seeking permission of the Court to appear through GPA Holder.

In the affidavit accompanying the application, it is stated that, himself and other plaintiffs have filed this suit seeking the relief of partition and separate possession. Since, he is aged very old, he is unable to travel to Holenarasipura from Mudalamayigowdanahalli to attend court proceedings. He is also suffering from age old ailments. Hence, he has executed General Powers of Attorney in favour of son of his brother by name Paramesha. If this application is not allowed, he would be put to hardship. On these grounds, the applicant has prayed to allow the application.

The defendants have not contested the matter. Hence, there is not objection to this application.

Heard the argument. Perused the application, affidavit, and materials on record. Plaintiffs have filed this suit for the relief of Partition and Separate Possession. When the case was set down for plaintiff's evidence, the plaintiff No.1 has filed this application seeking permission to proceed with the case through GPA Holder. This Court feels it appropriate to refer the judgment of **Hon'ble High Court in Sajida banu V/s Halema Banu reported in 2014(4) KCCR 3463 wherein Hon'ble High Court of Karnataka has held** "when the statute confer power on party to appear in person or through recognized agent (PA Holder) or through a pleader, statute has to be honored. The question of court granting permission to a party to prosecute the matter through PA Holder does not arise. He should be permitted as a matter of right. Once a power of attorney holder enters the witness box and gives evidence whether that evidence has to be acted upon,

whether it is direct or hearsay evidence, is to be decided by the trial court at the time of appreciation of evidence.” In view of dictum of the High Court, party as a matter of right can appear in person or through the recognized agent and the statutory provision has to be honored with. In the case on hand the application filed by the plaintiff No.1 for proceeding with the case through PA holder requires to be allowed in view of statutory provision as well as above mentioned decision. Hence this Court proceed to pass the following

:ORDER:

The application i.e., IA No.I filed by plaintiff No.1 under Order III Rule 2 read with Section 151 of CPC is hereby allowed.

Plaintiff No.1 is permitted to appear through GPA holder. However, the said GPA holder shall be conversant with the facts of the case and she shall be in a position to answer questions posed by the other side.

For plaintiff's evidence finally as last
chance by 03.06.2026

Prl.Civil Judge & JMFC,
Holenarasipura.