

Counsel for the plaintiff No.1 filed I.A No.II U/o 3 Rule 2(a) of CPC praying to permit the special power of attorney holder to proceed with the case of plaintiff No.1 stating that the plaintiff No.1 is old age and he is unable to look after the case and appear before the court personally and therefore he has executed power of attorney in favour of his son. Hence he prayed to allow the application.

The defendant file objections that contending that suit is filed by the plaintiff No.1 to 6 and the plaintiff No.2 to 5 can proceed on behalf of plaintiff No.1. The son of plaintiff No.1 is cleaver person and therefore plaintiff No.1 has appointed his son as his S.P.A Holder. It is also stated plaintiff No.1 is hale and healthy. Thus prayed to reject the application.

Heard perused.

The suit is for the relief of declaration of ownership to declare that plaintiffs are the owner in possession of suit property. Thus the nature of the suit shows that plaintiff No.1 has his independent right and therefore the say of the defendant that suit is filed by the plaintiff No.1 to 6 and the plaintiff No.2 to 5 can proceed on behalf of plaintiff No.1 is not acceptable. The power of the attorney holder is son of plaintiff No.1 and the defendants have ample opportunity to cross examine the said witness. Therefore the I.A No.II filed U/o 3 Rule 2(a) of CPC deserves to be allowed.

Hence I proceed to pass the following:

ORDER

I.A No.II filed U/o 3 Rule 2(a) of CPC by the power of attorney holder of plaintiff No.1 is hereby allowed.

The special power of attorney holder of plaintiff No.1 is permitted to proceed with the case of plaintiff No.1. For plaintiff evidence. Call on 24-01-2024.

**Senior Civil Judge & JMFC,
Chincholi.**