

24.9.2024

Orders on IA No.3 U/O 3 Rule 2(A) of CPC

The SPA holder of the plaintiff has filed this application U/O 3 Rule 2(A) of CPC and sought permission to give evidence on behalf of the plaintiff.

2. The SPA holder of the plaintiff has sworn to an affidavit in support of IA and stated that the plaintiff is her mother and she is unable to attend the court due to her ill health and old age. Therefore, she has given SPA in favour of this deponent. Hence, prays to allow the IA.

3. The defendants have filed objections to IA and contended that application is not maintainable. The contents of the affidavit filed in support of the IA are all false. The defendant No.3 is son-in-law of the plaintiff and husband of SPA holder. The plaintiff has filed this suit to harass the defendants. Hence, prays to dismiss the IA.

4. Perused the records. Heard arguments.

5. As per the provisions of Order 3 Rule 2 of CPC the parties to the litigations are having right to appear before the court either in person or through their agent. Therefore, they need not seek permission of the court. Hence, the following:

ORDER

The application filed by the SPA holder of the plaintiff U/O 3 Rule 2(A) of CPC is hereby allowed.

The SPA holder of the plaintiff is permitted to give evidence on behalf of the plaintiff.

For plaintiff evidence call on 30.10.2024.

Senior Civil Judge, Sedam.