

ORDERS ON IA No.III

I.A.No.III is filed by the G.P.A holder of the plaintiff under Order 3 Rule 2(A) of C.P.C seeking permission to prosecute the suit on behalf of the plaintiff as GPA holder.

2. In support of her application G.P.A holder of the plaintiff has sworn to an affidavit stated that, the plaintiff has executed the G.P.A in her favour to prosecute the case. Further she stated that plaintiff is suffering from ill health and she could not able to attend the court. Hence, she has executed the G.P.A. Further she has stated that she knows the facts of the case. Hence she has filed the present application seeking permission to proceed with the suit on behalf of the plaintiff.

3. Learned counsel for the defendant No. 2 has filed objection to the IA No.III and contended that application filed by the GPA holder of the plaintiff is not maintainable as the GPA holder of the plaintiff is not party to the suit. Further he has contended that plaintiff has filed present suit in order to get wrongful gain. She has filed present petition in order to drag on the proceedings. Hence, prays for dismiss the application.

4. Heard.

5. The points that arise for my consideration are;

1. Whether the G.P.A holder of the plaintiff has made out a ground to allow this application?

2. What order?

6. My answers to the above points are as under;

Point No.1 : **In the Affirmative,**

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

REASONS

7. **Point No.1:** This suit is filed by the plaintiff for seeking Succession Certificate with respect to amount deposited by her husband Sri.Nagegowda, who died on 01.05.2023.

8. The applicant has stated that the plaintiff is suffering from ill health, hence she could not able to appear before this Court to give evidence. Hence, she has executed the G.P.A. in her favour. On the other hand defendant No. 2 has contended that application is not maintainable as

the GPA holder directly filed application. It is well settled that the G.P.A. Holder can depose on behalf of the party to the facts which are within his personal knowledge. Therefore, I am of the opinion that the G.P.A. holder can be allowed to give evidence on behalf of the plaintiff to the facts, which are within her personal knowledge. Hence, contention of the defendant No. 2 is not acceptable. Therefore I am of the opinion that the applicant has made out a ground to allow the application. If this application is allowed, no hardship would be caused to the defendants. Accordingly, I answer the above point No.1 **in the affirmative**.

9. Point No.2: In view of above discussions and reasons, I proceed to pass the following;

ORDER

I.A.III filed by the G.P.A holder of the plaintiff under Order 3 Rule 2(a) R/W. section 151 of C.P.C. is hereby allowed with cost.

The G.P.A. Holder of the plaintiff is hereby permitted to proceed with the suit on behalf of the plaintiff.

For plaintiff evidence by
20.09.2025.

(DEVARAJU H.R.)
1st Addl. Sr.CJ and J.M.F.C.,
K.R.Pete.