

ORDERS ON I.A.NO.VII

This is an application filed by the plaintiff seeking an order of permitting the plaintiff to proceed with the case through his general power of attorney holder in the present suit.

2. The application is supported with the affidavit of the General Power of Attorney Holder of the plaintiff. In his affidavit, he has stated that the plaintiff is his father and he is aged about nearly 75 years and at the time of filing the suit, the plaintiff himself has presented the suit by signing on the plaint and he has conducted the case. It is submitted that during the pendency of the present suit, the plaintiff has suffered with several old aged health complications and he is not in a position to move and stand for a long period. As such, the plaintiff has executed the general power of attorney in favour of this applicant on 23.10.2018 and authorized him to conduct the above suit with respect to the subject matter. It is submitted that this general power of attorney holder is very well aware of the subject matter of the suit and the relationship between the parties to the suit. He has also no doubt the entire material facts in respect of the subject matter of the suit. Since, there are health issues of the plaintiff, he has executed the GPA in favour of this applicant. It is submitted that there are bonafide reasons for the non-appearance of the plaintiff and as such, it is prayed for permission to conduct the above case.

3. After filing this application, the defendant did not file any objections.

4. Heard the arguments.

5. It is very very important thing to note that the present suit has been filed by the plaintiff seeking the relief of partition and separate possession in respect of the properties. The defendants have appeared before the Court and contested the matter. After framing the issues, this Court has posted the case for plaintiff's side evidence. At this juncture, the present application has been filed. Infact, the plaintiff is said to have executed the GPA in favour of his son and authorized him to proceed with the case on his behalf. He has also authorized him to conduct the case on his behalf. Now, it is the contention of this GPA holder that since, there are health issues on the part of the plaintiff and due to his old aged ailments, he could not able to appear before the Court. Under these circumstances, the said GPA is said to have been executed by the plaintiff. Since, the application is not resisted by the other side and as the defendants are having liberty to question the veracity as well as the evidentiary value that could be attached to the evidence of the GPA holder, it is just and necessary to allow the application and it is necessary to permit the GPA holder to proceed on behalf of the plaintiff in the present suit. Accordingly, the application is sustainable and I proceed to pass the following:-

ORDER

I.A.No.7 filed by the GPA holder of the plaintiff is hereby allowed.

The GPA holder of the plaintiff is permitted to proceed with the case as prayed in the application.

No order as to costs.

For evidence on the plaintiff side as a last chance by:- **11.02.2018.**

Senior Civil Judge,
Maddur.