

RA .57/2024

ORDERS ON IA-II

The counsel for SPA holder of appellant has filed this application U/o III Rule 2 R/w Sec.151 of CPC seeking an order to permit SPA holder Sri.Ravikumar to appear on behalf of the appellant to contest the case on the ground that the appellant is aged about more than 63 years, suffering from ill health and he is unable to move frequently and as such he has executed SPA to contest the case and to lead evidence. Therefore, it is prayed to allow the application.

2. Despite service of notice, the respondent has become absent.

3. Heard the arguments from the counsel for appellant and perused the contents of application as well as records.

4. The appellant has preferred this appeal challenging the Judgment and Decree passed in O.S.No.538/2021 dated 02.11.2023 on the file of V Addl. Sr. Civil Judge and CJM, Mysuru. The SPA holder has stated in his affidavit that appellant is his father, who is aged more than 63 years and suffering from ill health and he is unable to move frequently and as such he has executed SPA in his favour. Regarding illness of the appellant, no document is produced by SPA holder. However, considering the facts and circumstances of the case and respondent becomes absent, application may be allowed in the interest of Justice. Therefore, I proceed to pass the following;

ORDER

IA No.II filed U/o III Rule 2 R/w
Sec.151 of CPC by the SPA holder
is allowed.

The SPA holder is permitted to
conduct the case and lead evidence
on behalf of the appellant.

For enquiry on IA No.1 by
18.08.2025.

14.07.2025
I ADJ., Mysuru