

Order on I. A.No.IV

The counsel for defendant No.1 has filed the present application I.A.No.IV U/O 3 Rule 2(a) of CPC by permitting the defendant No.1 to appoint his GPA holder as his recognized agent to conduct the case on his behalf.

2. The application is supported by the affidavit of the GPA holder of the defendant No.1 and it is sworn that the original defendant No.1 is suffering from multiple age old ailments. Therefore the defendant No.1 executed GPA in his favour. Hence prayed to allow the applicant to conduct the case on behalf of defendant.1 as his GPA/ recognized agent.

3. The plaintiff counsel submitted no objection to the application.

4. Heard the arguments of counsel for plaintiff and defendant No.1.

5. The counsel for defendant No.1 has filed present application to permit the GPA holder of the defendant No.1 to conduct the present case on behalf the defendant No.1. It is stated in the affidavit sworn by the GPA holder that the defendant No.1 is suffering from age old ailments and therefore he can not appear before the court on all the future date of hearing. By considering the age of the defendant No.1 naturally he may suffer age old elements and therefore he executed the GPA in favor of his son who is present applicant. The Hon'ble Supreme Court in **Suraj Lamp & Industries (P) Ltd., Vs State of**

Hairyana and another - (2012) 1 SCC 656, it has been held that a party can prosecute the suit through his power of attorney holder. By considering principle laid down in the aforesaid ruling and also by considering the reasons assigned by the applicant, it is necessary to permit the GPA holder to conduct the present case on behalf of the defendant No.1. Hence for the said reasons this court proceeds to pass the following:

ORDER

The application I.A.No.IV filed by the applicant U/O III Rule 2 of CPC is hereby allowed.

The applicant is hereby permitted to prosecute the case on behalf of the defendant No.1 as his GPA holder/ recognized agent.

No order as to cost.

For D/E

Call on:27.09.2024.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 09th day of September 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**