

Order on I. A.No.III

The counsel for plaintiff has filed the present application I.A.No.III U/O 3 Rule 2 of CPC by permitting the plaintiff to appoint her GPA holder as her recognized agent to conduct the case on her behalf.

2. The application is supported by the affidavit of the GPA holder of the plaintiff and it is sworn that the plaintiff is suffering from multiple age old ailments. Therefore the plaintiff executed GPA in her favour. Hence prayed to allow the applicant to conduct the case on behalf of plaintiff as her GPA/ recognized agent.

3 The defendants counsel submitted no objection to the application.

4. Heard the counsel for plaintiff and defendants.

5. The counsel for plaintiff has filed present application to permit the GPA holder of the plaintiff to conduct the present case on behalf the plaintiff. It is stated in the affidavit sworn by the GPA holder that the plaintiff is suffering from multiple age old ailments and therefore she can not appear before the court on all the future date of hearing. By considering the age old ailments of the plaintiff she executed the GPA in favor of her son who is present applicant. The Hon'ble Supreme Court in **Suraj Lamp & Industries (P) Ltd., Vs State of Haryana and another - (2012) 1 SCC 656**, it has been held that a party can prosecute the suit through her 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 plaintiff. Hence for the said reasons this court proceeds to pass the following:

ORDER

The application I.A.No.III 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 plaintiff as her GPA holder / recognized agent.

No order as to cost.

For P/E

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 25th day of July, 2024)

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

Order on I. A.No.V

The counsel for defendant No. 1 and 5 has filed the present application I.A.No.V U/Sec 151 of CPC to receive their written statement.

The application is supported by the affidavit of the defendant No.1. By considering reasons stated in the application the opportunity should be given to the defendant No.1 and 5 to contest the suit.

Hence application filed by defendant No.1 and 5 is hereby allowed with cost of Rs.200/- and written statement filed by defendant No.1 and 5 is taken on record.

For compliance U/sec 89 CPC and for issues.

Call on : 17.08.2024

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