

Order on I. A. No. VIII

The application I.A.No.VIII is filed by the counsel for defendants No.1 U/sec 151 of CPC to permit him to give evidence afresh in place of his SPA holder.

2. The application is supported by affidavit of defendants No.1 and it is sworn that on 05.04.2024 he filed his examination in chief before this court but his daughter was deceased in the month of May-2024 at USA and there were some issues which were required to be sorted out by him and therefore he appointed one Shashank as his GPA holder. It is further sworn that now the defendant No.1 came back to native place and intends to give evidence himself in place of his SPA holder. Hence prayed to allow the application.

3. The counsel for plaintiffs filed objection to the application and it is stated that in order to hide the truth before the court the defendant No.1 has filed present application and hence prayed to dismiss the same.

4. Heard the arguments of counsel for both parties.

5. The defendants No.1 has filed application to permit himself to give evidence afresh in place of the GPA holder. The application is supported by affidavit of the defendant No.1. On perusal of earlier order sheet earlier the defendant No.1 got examined before the court as DW-1 but subsequently he got appointed his GPA holder to give evidence. On perusal of order sheet still the GPA holder of the defendant No.1 not lead his

evidence and the defendants evidence yet to be commenced. Even though the defendant No.1 earlier gave special power of attorney but now he himself intends to examine before the court. The defendant No.1 being the party to the suit, he should be permitted to give evidence himself instead of leading evidence through his GPA holder. Hence this court proceed to pass the following;

ORDER

The application I.A.No.VIII filed by the defendant No.1 U/sec 151 of CPC is hereby allowed.

The defendant No.1 is hereby permitted to give evidence personally instead through his GPA holder.

No order as to cost.

For defence evidence.

Call on: 06.03.2025.

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