

**05/2020**

**ORDERS ON IA.No.4**

The applicant by name Palaksha has filed I.A.4 under order 3 Rule 2 of 151 of CPC prayed to permit him to prosecute the case as G.P.A.holder of the plaintiff.

2. In the annexed affidavit he has stated that the plaintiff is his wife, who is suffering from Blood pressure and sugar, she is unable to come and to prosecute the above case. Hence she has given GPA to him in order to adduce evidence on her behalf in the present case. Hence he has prayed this court to allow the application.

Per contra, the defendant has filed objections to application and submitted that GPA has sworn to false affidavit and the reasons stated in the affidavit to represent the plaintiff are not true and allegation of the affidavit are all false, baseless and concocted theory. It is further submitted that, GPA has no knowledge with regard to fact of the case and the GPA of the plaintiff and the plaintiff have not produced any documents to show that she is suffering from any ill health and taking treatment. The plaintiff is working as nurse.

3. Perused, the materials on record this applicant i.e. GPA Holder is none other than the husband of plaintiff who is suffering from Blood pressure and sugar and she is unable to prosecute further proceeding effectively. It is for this reason, the GPA Holder intends to prosecute the case on behalf of the plaintiff. It is interesting to know that, plaintiff already lead her evidence by filing affidavit and producing documents on her behalf. When the matter is pending for further plaintiff evidence, the defendant appeared before the court and filed written statement. Thereafter, when the matter is pending off, the cross

examination of PW-1, the plaintiff who is already examined as PW-1 intends to appear and contest the matter through her GPA holder for the reasons best known to her. However, in the application it is stated that the plaintiff is suffering from blood pressure and sugar. The said reasons not supported by the documents. But, for that reason it cannot be held that she cannot be permitted to represent the matter through the GPA holder.

4. It is settled law that a GPA holder or any other representative can appear on behalf of the parties to the suit to prosecute the case including as a witness in his personal capacity and with the knowledge about the case. Order 3 of CPC empowers the parties to represent them through their recognized agents such as GPA holder. In view of the same, the applicant being the GPA Holder is permitted to prosecute the case on behalf of the plaintiff at their own risk. If this application is allowed, no hardship, injury or prejudice will be caused to the defendant. The evidence already lead by the plaintiff as PW-1 will remain in tact. Hence, there is no any impediment to allow the said application. Therefore I pass the following:-

### **ORDER**

**I.A. No.4 filed by the applicant by name Palaksha H/o Smt Sulochana under order 3 rule 2 R/w sec 151 of CPC is hereby allowed. The applicant is permitted to prosecute the case on behalf of the plaintiff as GPA Holder.**

**For further plaintiff evidence by  
26/07/2023.**

Sr CJ and JMFC.,  
K.R.Nagar.