

## **ORDERS ON IA No.VIII**

The P.A. holder of plaintiff has filed application under Order 3 Rule 2 R/w Section 151 of CPC along with vakalath for P.A. holder of plaintiff and prayed for permit him to prosecute the case on behalf of plaintiff. He has stated that the Plaintiff has executed power of attorney in his favour.

2. On the other hand, the defendants field objection by contending that the present application filed by the P.A. holder of plaintiff is not maintainable. Further contended that in the written statement, the defendants made serious allegation against the plaintiff, her husband and P.A. Holder of plaintiff. Further, contended that the P.A. Holder has created the revenue documents collusion with the revenue officials. Hence, if the application is allowed, the defendants will be put to great hardship. Hence, prays for reject the application.

3. Heard arguments and perused record.

4. The plaintiff filed suit for the relief of declaration and injunction against the defendants with respect to the schedule properties. On the other hand, the defendants appeared before this court and filed written statement by denying the case of the plaintiff.

On basis of rival claimants, this court was framed the issues and posted trial. When the case was posted for plaintiff's evidence, the present application was filed by the P.A. Holder of plaintiff in order to prosecute the case on behalf of plaintiff.

5. At the stage, this court as relied upon the case law of **Sri.Sarjida Banu Vs Halema Banu and others** reported in **2014(4) KCCR 3643** wherein, pleased held at paragraph Nos.8 and 11 which as follows :-

***Para No.8:- from the above, it became clear that it is not obligatory on the part of the party to a litigation to in a person, unless the laws so requires. The party could prosecute or defend a legal proceedings through a power of attorney holder or even a pleader. Therefore, when the statue confers such a power of attorney, it has to be honoured. The question of court granting permission to a party to prosecute the matter through a power of attorney holder or pleader would not arise. However, the court cannot prevent a party from prosecuting the litigation or defending it through a power of attorney holder. Only, in some exceptional cases such as the case arising under the family courts Act, wherein advocate cannot appear as matter of right and can appear only on the permission granted by the court, the party has a right to be***

***represented by power of attorney holder as a pleader.***

***Para No.11:- Therefore, the courts before which such applications are filed shall apply their mind at the earliest point of time i.e., immediately on receiving the application in the court and reject that application without waiting for the other side to file objection to it. A party should be permitted to be represented by a Power of Attorney Holder or a counsel as a matter of right.***

6. The above case law makes it clear that there is no bar for a party to prosecute his case through General Power of Attorney holder. Further, it is held that, only on the ground that the power of Attorney Holder has no personal Knowledge of the case, cannot be prevented from entering the witness box and from deposing.

7. In view of the law laid down by the Hon'ble High Court the power of attorney holder has to be permitted to adduce evidence on behalf of the plaintiff. Thereafter, the application is deserved to be allowed as such this court Proceed to pass the following:

**ORDER**

I.A.No.VIII filed by the P.A. holder of the plaintiff is allowed.

The Power of Attorney Holder of plaintiff permitted to adduced evidence as a General Power of Attorney Holder of plaintiff.

For plaintiff evidence by:  
07.04.2025.

Senior Civil Judge and JMFC,  
K.R.Nagar.