

ORDER ON I.A.I

The GPA holder of the plaintiffs filed this application under Order III Rule 2 r/w Section 151 of C.P.C. saying that the plaintiffs are the relatives of G.P.A. and they executed G.P.A. The applicant further explains that he knows the facts of the matter and he has been authorized by the plaintiffs to lead evidence in the court of law. Hence, G.P.A. prays to allow the application.

2. On the other hand the 2nd defendant strongly objected the application saying that the 1st plaintiff mentioned in the power of attorney that he is aged and suffering from age related diseases, so he could not come to the court, the 2nd plaintiff is the deaf and dumb and the 3rd plaintiff is required to be moved Bengaluru frequently in his personal matter. It is further stated that there is no relationship between the plaintiffs and G.P.A. holder. Hence, the 2nd defendant prays to reject the application.

3. Heard both sides.

4. Order III Rule 2 C.P.C. explains that any person can personally appear before the court or he may authorize a pleader, attorney or

any person on his behalf. The main contention of the 2nd defendant that the attorney has not given definite reason of inconvenience to the plaintiffs to appear before the court. It is also objected that there is no relationship between the plaintiffs and attorney. However, relationship is not required to consider the application under Order III Rule 2 of C.P.C., because a litigant can appoint any person as his attorney as per his will and wish. Suppose the application is considered, it will not cause any hardship to the defendants because they will have chance at cross-examination. Therefore, I.A.I is allowed. The plaintiffs are permitted to lead evidence through G.P.A. holder. For plaintiffs' evidence, call on 04.08.2026.

Senior C.J. & JMFC.,
Nanjangud.

08.06.2026