

**ORDERS ON I.A.No.IV**

At the stage of plaintiff evidence this is the I.A.No.IV filed by the applicant/G.P.A Holder under Order 3, Rule 2 R/w Section 151 of C.P.C., seeking permission to lead the evidence & conduct the case on behalf of plaintiff.

2. In I.A.No.IV it is stated that, for the reasons mentioned in the accompanying affidavit that, the plaintiff is the son in law of the applicant/G.P.A Holder and he is working in Megan's Hospital at Shivamogga as a Laboratory. Hence, he is not in a position to attend the court all the dates of hearing. Hence, plaintiff has authorized him to conduct the suit & lead the evidence before this Court. Accordingly, prayed to allow the I.A.No.IV.

3. On the other hand, the defendants have not filed written statement. Hence, objection to I.A.No.IV is taken as not filed.

4. Heard and perused the materials available on record.

5. Under Rule 2 of Order 3 of C.P.C., the person holding the power of attorney is the recognized agent of the party to the proceedings. The recognized agent can represent the party. It is the right of the party to appear before the Court through recognized agent. In the present case the plaintiff has filed the above suit for declaration and permanent injunction against the defendants. The evidence of the plaintiff is to be started. The plaintiff evidence has not been commenced. The

matter has been posted for plaintiff evidence. At this stage the G.P.A holder of plaintiff has filed the present application seeking permission to adduce evidence on behalf of plaintiff on the ground that, plaintiff is his son in law and the plaintiff has executed the G.P.A in his favour to conduct the case and he is working in Megan's Hospital at Shivamogga as a Laboratory. Hence, the plaintiff could not able to appear before the Court.

6. On careful scrutiny of the above said provisions of law and decisions, it is crystal clear that, the recognized agent can represent the party. It is the right of the party to appear before the Court through recognized agent. Therefore, in the instant case, the suit filed by the plaintiff for the relief of declaration and permanent injunction. Therefore, the sufficient opportunities are to be given to plaintiff to prove his case. Now the case has been posted for plaintiff evidence. At this stage the G.P.A holder of plaintiff has filed present application, seeking permission to appear before this court on behalf of plaintiff and lead evidence. There is no bar under law the plaintiff is to adduce evidence through G.P.A. holder. There is no irregularity if the plaintiff is permitted to adduce evidence through G.P.A holder. Therefore, in my opinion, if this I.A. is allowed, no hardship will be caused to the defendants. If it is permitted, the defendants have also having right to cross-examine the G.P.A. holder. It is settled principle of law that the parties are liberty to lead their evidence through G.P.A. holder. I have perused the General Power of Attorney (G.P.A.) filed along with I.A.No.IV. The grounds mentioned in I.A. are satisfied. Therefore, it is necessary to allow instant I.A. in the interest of justice and equity. Hence, I proceed to pass the following:-

**ORDER**

I.A.No.IV filed under Order 3, Rule 2 R/w Section 151 of C.P.C. by the learned counsel for the applicant/G.P.A holder is hereby **allowed**.

The G.P.A holder of plaintiff is permitted to represent the suit on behalf of plaintiff.

For plaintiff evidence.

Call on:13.11.2024.

**Addl. Civil Judge & J.M.F.C.,  
T.Narasipura. \*\***