

ORDERS ON IA No.5

1. That, the plaintiff has filed an application under Order 3 Rule 2 R/w Section 151 of CPC, with a prayer permit her to proceed the matter through her agent i.e. GPA holder and her elder brother by name Shri. S. Rajashekar s/o T. Sharanappa. That, the plaintiff in her application has sworn to the fact that she is suffering from cardiac problem since her childhood and she had undergone heart surgery and it is impossible for her to attend the day to day proceedings of the preset case.

2. That, the defendant No.1 has filed his objection to aforesaid application contending that the document produced by the plaintiff i.e. discharge summery, is pertaining to the year 1982 and the present application is not maintainable either in law or on facts. That, the defendant No.1 in view of aforesaid contentions prayed for rejecting the said application.

3. That, I have heard the arguments and perused the materials placed on record. That, the following points arises for My consideration and determination:-

1) Whether the plaintiff has made out the grounds to allow her said application as prayed for?

2) What order?

4. That, My answer to the aforesaid points are as under:

Point No.1:- IN THE **AFFIRMATIVE**

Point No.2:- As per final order for the following:-

REASONS

5. **Point No-1:** It is specific contention of the plaintiff that, she is suffering from cardiac problems and already she had undergone heart surgery. That, the plaintiff in support of her contention has produced before the Court discharge Card issued by the Medical Resource Centre of Bombay Hospital Trust and said document is for the year 1982. It is pertinent to note here that, the plaintiff is strongly contending that she is suffering from cardiac problems since from her childhood and this fact cannot be denied by this Court. It is to be noted here that, the plaintiff in her application has specifically contended that, her said brother has got every knowledge of the present

case. It is to be noted here that if such being the case, there is no impediment for this Court to permit the plaintiff to proceed with the matter through her said G.P.A. It is to be noted here that, in view of My findings point No.1 is answered in the AFFIRMATIVE.

6. **Point No.2:-** That, as discussed on point No.1, I proceed to pass the following :-

ORDER

That, the application filed by the plaintiff under Order 3 Rule 2 R/w Section 151 of CPC, is hereby allowed.

That, no order as to cost.

For plaintiff evidence by 09.10.2019.

**II Addl. Senior Civil Judge & JMFC,
Raichur.**