

**IN THE COURT OF THE PRL. SENIOR CIVIL JUDGE AND
CJM AT RAMANAGARAM**

Dated : This the 02nd day of November 2018

Present

Smt. M.ANITHA.,
B.Sc., LL.B.,
Prl. Senior Civil Judge & CJM.,
Ramanagara.

O.S 292/2007

Plaintiffs :- Smt. Sarojamma and another

(By Sri. K.B.V., Advocate)

V/s

Defendants: Sri. Revannasiddappa and others

(D.1 Sri. K.S.V., Advocate)
(D.3 Sri. Y.L.M., Advocate)
(D.4, 6 & 8 Sri. J.K.R., Advocate)
(D.7 Sri. B.K.P., Advocate)

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ORDERS ON I.A-10 DATED 10.07.2017
FILED BY THE 6th DEFENDANT
U/O 3 RULE 2(A) R/W SECTION 151 OF CPC

The proposed power of attorney holder of defendant No.6 has moved this application seeking permission of the court to represent defendant No.6 as his General power of attorney holder in the present suit.

2. In the affidavit appended to the application, the proposed power of attorney holder of the 6th defendant by name Arjun Manay deposed that, the 6th defendant is his father. His father has executed a power of attorney in his favour. His father is a senior citizen and is unable to present before this court. Wherefore, it is prayed to allow the application.
3. The plaintiffs resist the application stating that, copy of power of attorney has not been placed before court. What is the nexus between the applicant and the suit schedule property has not been disclosed. The applicant is not competent to prosecute the suit. The statement that, the 6th defendant is a senior citizen is incorrect. Since, the 6th defendant has concocted the documents in respect of suit schedule properties has intentionally avoiding from appearing before the court. The 6th defendant is not the family member of the plaintiffs. The 6th defendant has colluded with the other defendants and has delegated the power of attorney in favour

of his son. Therefore, if the permission is accorded to the power of attorney holder, prejudice will be caused to the plaintiffs. Hence, it is prayed to dismiss the application.

4. In view of rival contentions of the parties, the following point emerge for consideration:-

Whether the permission may be accorded to the power of attorney holder of the 6th defendant to proceed with the case on behalf of the 6th defendant?

5. Having heard the arguments of both the counsels, the Court scrutinized the application in the background of related materials. Now, answer of the Court on the Point is in the “Affirmative” for the reasons herein after assigned:-

REASONS

6. The prime ground urged in support of the application is that, the 6th defendant is a Senior Citizen and as such he could not appear before court. Now, it is pertinent to mention that, the age of the 6th defendant as on the date of filing of the suit is 68 years. That is to say, as mentioned in the cause title to the plaint, the

6th defendant age is 68 years in the year 2007. Now, we are in the year 2018. Thus it can be safely construed that, the 6th defendant age is presently 79 years. When the age of the 6th defendant is 79 years, the contention that, the 6th defendant is a Senior Citizen cannot be overlooked. More so, the suit is instituted for the relief of partition and the proposed General power of attorney holder of the 6th defendant is none other than his son. Therefore, as the son of the 6th defendant, the applicant is well known with the facts of the case. Therefore, no prejudice will be caused to the plaintiffs on allowing the application. As such, without much pondering around the point, I am inclined to hold the Point is in the "Affirmative". Resultantly, I proceed to pass the following:-

ORDER

I.A-10 dated 10.07.2017 filed
by the Applicant U/o 3 Rule 2(a)
r/w Section 151 of CPC is allowed.

(Dictated to the Stenographer, transcribed by him, the transcript corrected and then pronounced by me in the open Court on this the 02nd day of November 2018)

**Prl., Senior Civil Judge & CJM,
Ramanagara.**