

**Orders on I.A dated 05.01.2021**  
**filed by the plaintiffs**  
**U/o 7 Rule 14(A) r/w Section 151 of CPC**

The plaintiffs have moved this application to condone the delay for producing the document and same may be marked as Exhibits.

2. In the affidavit appended to the application is that, the Shivanna is the SPA holder of the 1<sup>st</sup> plaintiff i.e., mother of the SPA. The 2<sup>nd</sup> plaintiff is the aunt. The above case was decreed on 10.06.2015 and the 2<sup>nd</sup> plaintiff died. The defendants challenged the said suit in R.A 47/2016, which was allowed and present case is remanded. The legal heirs of the 2<sup>nd</sup> plaintiff are already brought on record. He has filed the power of attorney on 05.07.2014 and already marked the documents at Ex.p.1 to Ex.p.18. Now, the matter is posted for chief examination he is producing the RTC's. If these are allowed, no hardship will be caused to defendants. On the other hand, the plaintiff will be put to great hardship. Hence, it is prayed to allow the application.

3. The defendants 1 and 2 have filed objection to the said application is that, the 2<sup>nd</sup> plaintiff is dead and Shivanna has no power to depose on 2<sup>nd</sup> plaintiff. Hence, it has no value. They have

admitted the remand of the case. One Shivanna has no power to depose on the basis of power of attorney. The plaintiffs have to begin a evidence as a fresh. Even though, the plaintiffs have examined PW.2 and 3. The copies of the same are not supplied inspite of sufficient request. Hence, the present application is not maintainable. Accordingly, he has take the power of attorney from the proper person concerned. Hence, it is prayed to dismiss the above application.

4. Now, the following point emerge for consideration:-

*Whether the application deserves to be allowed ?*

5. Having heard the arguments of both the counsels, the court scrutinized the application in the backdrop of pleadings of the parties and the objection statement raised against the same. Now, finding of the Court on the point is in the “Negative” for the following:-

### **REASONS**

6. On perusal of the plaint, Chikkabyrakka is the 2<sup>nd</sup> plaintiff who has given Special Power of attorney dated 05.07.2014 who died and her legal

representatives are already on record. But, they have not given Special Power of attorney to the Shivanna. Now, the case is remanded and fresh evidence is necessary. So, the application is not maintainable and rejected. As such, I am inclined to hold the point is in the “Negative” and proceed to pass the following:-

**ORDER**

I.A dated 05.01.2021 filed by the  
plaintiffs U/o 7 Rule 14(A) r/w  
Section 151 of CPC is dismissed.

*(Dictated to the Stenographer directly on computer, corrected by me and then pronounced in the open Court on this the 20<sup>th</sup> day of March 2021)*

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