

Case called out.

Plaintiffs are absent.

Counsel for plaintiff files IA No.IX U/o 3 Rule 2A of CPC and prays to permit the GPA holder of the plaintiff by name Suresh to proceed further in this suit on behalf of the plaintiffs.

Defendant and counsel called out.
Absent.

No representation.

I found it necessary and worth to refer the judgment of Hon'ble High Court of Karnataka reported in **ILR 2014 KAR 84** in the case of **R.Narasimha V/s S.P.Shridhar** wherein their lordship has held that, “*There is no impediment in law for a party to prosecute his case through his power of attorney holder. Rule 1 and 2 of order 3 of the C.P.C permits a power of attorney holder of a party to appear, apply and act on his behalf in court*”.

It is further held that, “*A power of attorney holder of a party can be examined as a witness like any other witness, if he is competent in law to testify the existence or non existence of any factual issue in any suit or proceeding or of such other facts as*

declared to be relevant under the provisions of the evidence act. If such facts are within his personal knowledge”.

In view of the guiding principles laid down by the Hon'ble High Court of Karnataka, a party can proceed in the suit on his own or through his power of attorney holder without seeking the permission of the court. Hence, calling for the objection of the defendant to present the IA does not arise. Accordingly, I proceed to pass the following;

ORDER

The I.A NO.IX filed under order 3 rule 2(A) R/w section 151 of C.P.C by the plaintiffs is hereby allowed.

Consequently, one Suresh S/o Puttaboregowda is hereby permitted to proceed further in this suit on behalf of the Plaintiffs.

As a result, the affidavit filed by the plaintiff No. 1 in lieu of his examination in chief dated 17.02.2023, which is not subjected to cross examination yet, is discarded.

Sd/-
Prl.Civil Judge & JMFC.,
Bhadravathi.