



**IN THE COURT OF ADDL. SENIOR CIVIL JUDGE &
JMFC, GUBBI.**

PRESENT

SMT. POORNIMA K. YADAV, B.A.LL.B., LL.M.,

Addl. Sr. Civil Judge & JMFC, Gubbi.

Dated on this the 22nd day of August, 2025

ORIGINAL SUIT NO. 304/2023

**Plaintiff/s : Siddagangamma and Others
(By. Sri. A.M.R. Adv.)**

Vs.

**Defendant/s : Kimji M. Patel and another
(D1by Sri K.S.M. Adv.,)
(D2 by Sri C.B.H., Adv.,)**

PARTIES TO I.A.NO. X

Applicant/plaintiff : G.N. Narahari
(Party in person)
(Physical Handicap)
S/o Late G.S. Narasingarao
Age about 47 years,
R/at Sri Beterayaswamy
Gudi Beedhi,
Gubbi Taluk.

Vs.

**Opponents/defendants: Kimji M. Patel and
another**

Provision under the Application	Under Section 151 of CPC
Application Relief sought for	To appear as party in person as GPA of the plaintiff No.1



The date of the application is filed	19.05.2025
Interlocutory Application Number	X
Date of objection filed by the defendants	29.07.2025
Date of orders passed	22.08.2025

PARTIES TO I.A.NO. XI

Applicant/plaintiff : G.N. Narahari
(Party in person)
(Physical Handicap)
S/o Late G.S. Narasingarao
Age about 47 years,
R/at Sri Beterayaswamy
Gudi Beedhi,
Gubbi Taluk.

Vs.

Opponents/defendants: Kimji M. Patel and
another

Provision under the Application	Under Order 3 Rule 2 of CPC
Application Relief sought for	To permit the applicant to prosecute the matter as Power of attorney holder of the plaintiff No.1.
The date of the application is filed	19.07.2025
Interlocutory Application Number	XI



Date of objection filed by the defendants	29.07.2025
Date of orders passed	22.08.2025

Sd/-
(POORNIMA K. YADAV)
Addl. Senior Civil Judge &
JMFC, Gubbi.

: ORDERS ON I.A.NO.X & XI:

When the matter was pending for cross-examination of DW1, the present applications came to be filed.

- 2.** The applicant filed IA No. X seeking to appear as party in person as the SPA Holder of the plaintiff No.1 and IA No.11 seeking the prosecute the matter as the SPA Holder of the plaintiff No.1.
- 3.** The applications are accompanied with the affidavit of the Special Power of Attorney Holder of the plaintiff No.1, wherein it is stated that he and the



plaintiff No.3 are childhood friends and the plaintiff No.1 is the Widow of Kodappa. It is stated that the plaintiffs are innocents and the plaintiff No.1 intends to prosecute the matter on her behalf through the SPA and the SPA may be permitted to appear as party in person. Hence, sought to allow the applications.

4. On the other hand, the counsel for the defendant No.1 filed objections and contended that the applications are not maintainable and they are liable to be rejected. It is contended that the SPA of the plaintiff No.1 intends to cross-examine DW1 and argue the case on behalf of the plaintiff but the plaintiffs have led their evidence as such, the SPA Holder cannot be permitted at this stage. The SPA Holder of the plaintiff No.1 does not have locus-standi to file the present application after



completion of the evidence of the plaintiff and when the matter is pending for cross-examination of DW1. As the plaintiffs are represented by an advocate, the SPA Holder cannot be permitted to represent the plaintiff No.1. Hence, sought to reject the applications.

5. Heard both the counsel.
6. Upon hearing both the counsel and on perusal of the materials available on record, the point that arise for my consideration is;

Whether the applicant may be permitted to prosecute the matter as SPA Holder of the plaintiff No.1 as party in person?

7. My findings to the above point is in the **“Affirmative”** for the following ;



REASONS

8. Admittedly, the plaintiffs have filed this suit seeking relief of declaration of their title, permanent injunction and declaration of sale deed dated 25.06.2007 as not binding in respect of the suit schedule property.
9. The applicant intends to prosecute the matter on behalf of the plaintiff No.1 as her SPA Holder. The said application is objected by defendant No.1 on the ground that the plaintiffs are represented by counsel and the plaintiff No.3 has led evidence on behalf of all the plaintiffs and when the matter is pending for cross-examination of DW1, the SPA of the plaintiff No.1 cannot be permitted to prosecute the matter on her behalf.
10. As per order 3 Rule 2 of CPC recognized agents are the agents of the parties by whom appearances,



applications and acts may be made or done are the persons holding powers of attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties.

- 11.** As per the said provision it is clear that the recognized agents includes power of attorney holder of a party. There is no provision under the code of Civil Procedure for appointment of power of attorney holder at the stage when the matter is pending for cross-examination of DW1. In the said circumstances, this court is of the opinion that the plaintiff No.1 shall be permitted to prosecute the matter through her SPA Holder and the said SPA Holder is permitted to appear as party in person. Accordingly, I proceed to pass the following :

ORDER

I.A. No. X filed by the



applicant under Section 151 of CPC and IA No. XI filed under Order 3 Rule 2 of CPC are hereby allowed.

The plaintiff No.1 is permitted to prosecute the matter through her SPA Holder and the said SPA is permitted to appear as party in person.

Parties to bear their own cost.

(Directly dictated to the stenographer on the computer, printed through steno, corrected by me and then pronounced in the open court on this the **22nd day of August 2025**)

**Sd/-
(POORNIMA. K. YADAV)
Addl. Sr. Civil Judge & JMFC,
Gubbi**