

## ORDERS

The plaintiff has filed IA U/o.3 rule 2 of CPC along with SPA and contended that, he has appointed his son by name Ravisha as his SPA holder on his behalf to do all or any of the acts, deeds or whatsoever specified in the SPA. The plaintiff further contended that, due to his old age and due to ill-health he is not in a position to appear before the court and give evidence. Therefore, permit him to lead evidence through SPA holder.

2. On the other hand, the defendants have filed their objections and contended that, SPA holder of plaintiff is not capable to give evidence on behalf of plaintiff . The SPA holder of plaintiff has no personal knowledge with respect to nature and possession of suit properties. The attorney holder cannot act as a principal witness. But he can only depose to the acts which were done by him on behalf of principal and prayed to dismiss the IA.

3. Heard.

4. The plaintiff has filed this suit for the relief of partition and separate possession. Moreover the SPA holder of plaintiff is a son of plaintiff. On perusal of the SPA executed by plaintiff it appears that, the plaintiff has executed the SPA in favour of his son and given authority to lead evidence and do any other specified work on behalf of plaintiff. Therefore it appears that the SPA holder being son of plaintiff may has each and every

knowledge with respect to suit schedule properties. The judgment relied by defendant is not applicable to the case on hand. Hence, the IA filed by plaintiff is deserves to be allowed and I proceeds to pass the following;

**ORDER**

The IA U/o 3 rule 2 of CPC filed by the plaintiff is hereby allowed.

Further SPA holder of plaintiff is permitted to lead evidence on behalf of plaintiff .

For plaintiff evidence by 18.09.2026.

**Sd/-**

Addl Civil Judge and JMFC,  
Kunigal.