

ORDER ON I.A.No.15

This is an application filed by the defendant no.5 U/o 3 rule 2 of CPC seeking permission to prosecute the case on her behalf through her S.P.A., as she is not able to come to the court due to her ill health and hence prays to allow the application.

2. The plaintiff has filed objections stating that, the present application is not maintainable under law or on facts and hence prays to reject the application.

3. Heard both side.

4. The points that arise for my consideration are;

1. Whether the application is deserved to be allowed?

2. What Order?

5. My answer to the above points are as follows;

Point No.1 : In the Affirmative;

Point No.2 : As per Final Order
for the following;

REASONS

6. POINT NO.1: The P.A.holder of the defendant no.5 has stated that, defendant no.5 is his wife and she is not appear before this court to give evidence due to her ill health and therefore, he may be permitted to prosecute the case on her behalf. Though the plaintiff has stated that the

present application is not maintainable, but the reasons shown by the defendant no.5 clearly discloses that, she is suffering from ill health and due to this, it is not possible to attend the court and it appears that, there is a bonafide reason for non appearance and therefore, it is just and fair to give an opportunity to her to prosecute the case through her P.A.holder and accordingly I answer the point no.1 in the Affirmative.

7. **POINT NO.2:** For the above discussed reasons, I proceed to pass the following;

ORDER

The I.A.No.15 filed by the defendant no.5 U/o 3 rule 2 of CPC is hereby allowed on payment of cost of Rs.250/-.

The P.A.holder of the defendant no.5 is permitted to prosecute the case on her behalf.

**Senior Civil Judge & JMFC.,
Sira.**