

M.V.C.No.522/2025

M.V.C.No.466/2025

ORDERS

The petitioner counsel has filed an application under Order III Rule 2 of C.P.C. 1908 seeking permission to appoint his GPA holder to depose and to represent the case on his behalf.

It is stated in the affidavit that her brother was riding the motorcycle, in which she was a pillion rider, when they reached near Hotel Ganesh Prasad, at that time a car hit the hind side of the scooter. Now the petitioner is unable to attend the court. Accordingly, pray for allow the application.

The learned counsel for respondent No.2 filed objections.

Heard. Perused the application and records.

Under Order III Rule 2 of C.P.C. a recognized agent is permitted to appear, act and apply on behalf of the party. It is also well settled that a power of attorney holder can depose before the court with regard to the facts within his personal knowledge. In the present case, the GPA holder

being an eye witness and pillion rider is stated to have direct knowledge of the incident.

In view of the above, this court is of the opinion that no prejudice would be caused to the respondent if the application is allowed. Accordingly, I proceed to pass the following:

ORDER

The application filed under Order III Rule 2 of C.P.C. 1908 is hereby allowed.

In the result, the power of attorney holder is permitted to depose on behalf of the petitioner.

Prl.Sr. C.J. & CJM, Udupi

For petitioner evidence by 08.04.2026.