

KAVP200025312020



**IN THE COURT OF THE I ADDL.SENIOR CIVIL JUDGE**

**AT : BASAVANA BAGEWADI**

**PRESENT:** Sri.ISHWAR S.M  
B.A.LLB., (Spl)  
I Addl. Senior Civil Judge  
& J.M.F.C., B.Bagewadi

**Dated this the 14<sup>th</sup> day of November - 2025**

**O.S.No.133/2020**

**PLAINTIFFS:** Shantamma W/o Virabhadrapa Bistagond  
and others

**-Versus-**

**DEFENDANT:** Borawwa W/o Chandramappa Bistagond

**I.A.No.IX**

**Applicant/  
GPA holder** Shantabai W/o Basalingappa Bistagond,  
Age: 44 Years, Occ: Agriculture,  
R/o. Bengaluru

***(By Sri S.N.Sollapatti, Advocate)***

**-Versus-**

**Opponents:** Shantamma W/o Virabhadrapa Bistagond  
**Plaintiffs** and others

***(By Sri M.H.Khasnis, Advocate)***

|      |                                                                   |                                                        |
|------|-------------------------------------------------------------------|--------------------------------------------------------|
| i    | Provision under which the application is filed                    | Under order III Rule 2 of CPC                          |
| ii   | Relief sought for                                                 | With a prayer to appoint applicant as GPA of defendant |
| iii  | The date on which the application is filed                        | 29.07.2025                                             |
| iv   | Number of the application                                         | 12                                                     |
| v    | The date on which the objections are filed by different opponents | 02.08.2025                                             |
| vi   | The date on which the orders were passed on the said application  | 14.11.2025                                             |
| vii  | The application filed by                                          | GPA holder of D-1                                      |
| viii | Stage of the suit                                                 | For orders on I.A.No.9 to 12                           |

**(ISHWAR S.M)**

I Addl.Senior Civil Judge  
& J.M.F.C.,B.Bagewadi

**ORDERS ON I.A.No.IX**

The present application is filed by the applicant/GPA holder by name Shantabai W/o Basalingappa Bistagond on behalf of defendant No.1 U/o III Rule 2 of CPC with a prayer to permit her to proceed with the case on behalf of defendant.

2. The present application is supported with an affidavit of GPA holder of defendant. Wherein she contended that, as the defendant became an old age and is not hearing properly, her eyesight is became weak, hence, she is unable to walk properly and also unable to attend the Court on hearing dates. Therefore, the defendant has executed General Power of Attorney in her favour, dated 05.03.2024, authorizing her to proceed with the case on behalf of defendant. Hence, prayed to allow the same.

3. The counsel for the plaintiffs has filed objections to the present interim application contending that, defendant is hale and healthy. It is stated that, if the power of attorney is considered, it is crystal clear that, the original defendant executed the same at Bangaluru. If the defendant is able to visit Bengaluru, then, it is very much possible to the defendant, so as to visit B.Bagewadi before this Court. Hence, among these and other grounds, prayed to reject the I.A.

4. Heard the arguments.

5. Upon hearing arguments and on perusal of materials placed on record, the following point that would arise for consideration:

1. *Whether the applicant/GPA holder of defendant has made out a sufficient grounds to allow the application as prayed?*
2. *What order?*

6. My answers to the above points are as under;

Point No.1 : In the Affirmative

Point No.2 : As per the final order for the following;

### **REASONS**

7. **Point No.1:** The present suit is filed by the plaintiffs against the defendant for declaration and alternatively for partition and separate possession. In this case, the defendant has executed the GPA dated 05.03.2024 in favour of applicant by name Shantabai W/o Basalingappa Bistagond to adduce evidence on her behalf and to proceed with the matter.

8. As per Order 3 Rule 1 of CPC, the person can appoint an agent to represent him/her as the case may be. In

this case, the defendant has executed power of attorney in favour of the present applicant to represent her in this case and adduce evidence on her behalf. That, it is well settled law that, the party can very well engage any agent to represent him/her in the case, but there is a rider that, if anything within personal knowledge of the principle, then, the principle has to come before the Court and depose about the personal knowledge of the facts and circumstances of the case. In this case, the applicant has contended that, the defendant is suffering from ill-health and her eyesight became weak and she is unable to hear properly. Therefore, these are sufficient grounds to consider the application, but, subject to condition that, if anything is personal knowledge of the principal i.e. defendant, then, she shall appear before the Court and depose before the Court, with that rider, if the application is allowed, no harm will be cause to the other side. Hence, for the said reasons this Court answers ***Point No.1 in Affirmative.***

9. **POINT NO.2:** In view of the above, I proceed to pass the following;

**ORDER**

*I.A.No.IX filed by the applicant/GPA holder of defendant U/o III Rule 2 of CPC is hereby allowed.*

*The General General Power of Attorney Holder is hereby permitted to represent the defendant and proceed with the case subject to condition if anything within the personal knowledge of the defendant, then, she shall appear before the Court and depose before the Court.*

*No order as to cost.*

(Typed my dictation through online by the Stenographer, script corrected, signed by me and then pronounced in the Open Court on this the 14<sup>rd</sup> day of November – 2025)

**(ISHWAR S.M)**

I Addl.Senior Civil Judge  
& J.M.F.C.,B.Bagewadi