

**IN THE COURT OF THE MUNSIFF, CHENGANNUR
PRESENT SMT. AMALA LAWRENCE, MUNSIFF
Monday 8th December , 2025(17th Agrahayana 1947)**

IA 7/2023 in OS 32/2018

Filed on 15.06.2023

**Petitioners/
Plaintiffs**

- :1. Sara Koshy, W/o George Koshy,
Ezhikkakath Veettil,
Angadickal Muri,
Chengannur Village,
Chengannur Taluk.
Now working at 6003 MESA BROOK LANE,
TEXAS, USA 77041.
2. Lany Eliyas, W/o Eliyas Abraham,
Ezhikkakath Veettil,
Angadickal Muri,
Chengannur Village,
Chengannur Taluk.
Now working at 2909 AMONT CLAIR
DRIVE, ELLICOTT CITY,
MERRY LAND, 21043, U.S.A
3. Susan Jacob, W/o Rajan Jacob,
Ezhikkakath Veettil,
Puthenkavu P O,
Chengannur Village, Chengannur Taluk,

Now working at 4050, TIPER FALLS DRIVE,
ELICOT, MERRY LAND, 21043, U.S.A.

Represented by Power of Attorney Holder
George Thomas, Indira Bhavan,
T.B.Junction, Kottayam.

(By Adv. R. Vijayakumar)

Respondant/

Defendant : Abraham Mathew, Ezhikkakath Veetil,
Angadickal Muri,
Chengannur Village, Chengannur Taluk.
Now working at FEDERAL BANK 1401,
FORRINGER CT, BURTONS VILLE ,
MERRY LAND, 208866, U S A.

(By Adv. Suresh Mathai)

This petition having been finally heard on 14.10.2025 and the court on 08.12.2025 passed the following.

ORDER

The case of the petitioner is that the present petition has been filed by the Power of Attorney holder of the plaintiffs. The suit is one for partition. According to the petitioner, the Power of Attorney holder is fully conversant with the facts and averments contained in the plaint. The plaintiffs are residing in the United States of America in connection with their employment and are, therefore,

unable to conduct the case personally. Hence, for the purpose of further proceedings, they executed a Power of Attorney on 11.03.2023, authorising the said holder to represent them and conduct the case on their behalf.

On the other hand, the respondents have objected to the acceptance of the said Power of Attorney on behalf of the plaintiffs. It is contended by the respondents that the address shown as that of the Power of Attorney holder is incorrect and that the plaintiffs are required to prove the Power of Attorney before the Court. It is further contended that only after establishing the genuineness and due execution of the Power of Attorney can the holder be permitted to represent the plaintiffs in the proceedings.

The respondents have also pointed out several discrepancies in the document. It is alleged that the plaintiffs have not signed in the places designated for execution on the first and second pages. Although the seal of the Embassy of India is affixed on the document, it does not bear the signature of the competent authority. One of the executants, Smt. Sara Koshy, has not signed on the fourth page of the Power of Attorney. It is further pointed out that one of the attesting witnesses has signed the document showing the date as 03.11.2023, whereas the Power of Attorney is notarised on

15.03.2023. The other witnesses, namely, Royston Thomas, Lali Elias, and Susan Jacob, are stated to have signed the Power of Attorney on 11.03.2023, while the endorsement of the Embassy authorities bears the date 20.04.2023. These inconsistencies in the dates and signatures, according to the respondents, render the document doubtful and unreliable. Hence, it is contended that the Power of Attorney cannot be accepted as valid for representing the plaintiffs in this case.

On a consideration of the rival submissions, this Court is of the view that the question regarding the genuineness and due execution of the Power of Attorney executed by the plaintiffs is a matter of evidence. Therefore, I am of the view that, the Power of Attorney can be accepted at this stage for the limited purpose of enabling the holder to represent the plaintiffs and to proceed with the conduct of the case. However, the plaintiffs shall be bound to prove the due execution, attestation, and validity of the said Power of Attorney at the time of adducing evidence. The defendants, in turn, shall be at liberty to challenge its genuineness, execution, and authority, and to raise all objections regarding the locus standi of the holder during trial. Hence, the acceptance of the Power of Attorney at this stage shall be without prejudice to the rights and

contentions of both parties, which shall be finally decided on the basis of the evidence adduced before the Court.

(Pronounced by me in open court on this the 8th December 2025)

**Sd/-
AMALA LAWRENCE
MUNSIFF**

Appendix:

Nil

**Id/-
MUNSIFF**

