

IN THE COURT OF THE DISTRICT MUNSIF, SULUR

Present : **Tmt.N.Renuga, B.A.,B.L.,**
District Munsif, Sulur
Monday the 26th day of February 2024

I.A.No.7/2023

in

O.S.No.195/2017

1. S.Vijayalakshmi
2. S.Banumathi
Rep by Power Agent
K.Subramaniyan

... Petitioners/Plaintiffs

/VS/

1. R.Senthilkumar
2. K.S.Gopalsamy
3. G.Aruna devi
4. G.Dharini
5. Kalaiselvi

...Respondents/defendants

This petition coming on 12.02.2024 for final hearing before me in the presence of Thiru.S.Jagadheesan, Advocate for the Petitioners and Thiru.M.Ganeshkumar, Advocate for the 1st and 5th respondents and the 2nd to 4th Respondents are exparte in main suit and upon perusing the records, and this court made the following:

ORDER

Petition filed by petitioner under Order 3 rule 2 of CPC to permit the power agent to proceed the case on behalf of the plaintiffs.

1. Gist of averment in petition affidavit:-

1.1. The petitioner is the power agent in the main proceedings. The plaintiffs had filed the main case against the defendants for hand over the possession of the suit property.

1.2. The plaintiffs are daughters of power agent K.Subramaniyan and being so many ailments they have authorized K.Subramaniyan to proceed the case on their behalf and further he well acquainted with the case fact. The 1st plaintiff is resident of Tiruppur and she has to look into her daughter and the 2nd plaintiff not in position

to appear before the court for each and every hearing and hence they have executed a power of attorney on 15.11.2023 and authorized K.Subramaniyan to appear and to proceed the case before this Honourable court on their behalf. Hence, the petition.

2. Gist of averment in counter statement filed by the 1st respondent as follows:-

2.1. The petition is false and unsustainable both in law and on the facts of the case. The allegation contained in the petition are not correct. The petitioners had not stated any valid bonafide reason for the plaintiff to appear through power agent.

2.2. The plaintiffs are the only person who knows about the entire proceedings of the case. The petitioner had not stated any valid reason to conduct the above proceedings through power agent. The petitioners has filed this petition at this stage to drag on the proceedings and thereby delay the case. This petition is liable to be dismissed.

3. Point for Consideration:-

Whether the petition under Order 3 rule 2 of CPC is to be allowed?

4. Points:-

4.1. Heard learned counsel for both the parties. The main suit filed by the petitioners/plaintiffs for the relief of hand over and deliver the vacant possession of the "B" schedule property to the plaintiffs after removing the encroachments by the defendants. Now the petitioners who are representing their father Mr.K.Subramaniyan filed this petition to permit to proceed with the case as a power agent of the petitioners/plaintiffs K.Subramaniyan as a power agent.

4.2. Now the permission under order 3 rule 2 to act and conduct the petition on behalf of petitioners/plaintiffs can be allowed without going into the merits of the main suit.

In the result, this petition is allowed. No cost.

Dictated to the Steno typist and directly typed by her in computer, corrected and pronounced by me in open court this the 26th day of February 2024.

District Munsif,
Sulur.

List of witnesses and documents on Petitioners side:-

Nil

List of witnesses and documents on Respondents side:-

Nil

District Munsif,
Sulur.

Draft/Fair Order
I.A.No.7/2023 in
O.S.No.195/2017
Dated : 26.02.2024
DMC, Sulur.