

IN THE COURT OF PRINCIPAL DISTRICT MUNSIF, CHIDAMBARAM.

Present: Selvi.S.Padmavathi, M.L.,
Principal District Munsif,
Chidambaram

Tuesday, 20th day of January 2026

IA. 305/2025 in OS 113/2019

Sekar ... Petitioner /Plaintiff

/Vs/

Kesavan ... Respondent / Defendant

This suit came before me for final hearing on 09.01.2026 in the presence of Thiru.K.Ramadoss, the Learned counsel for the Petitioner /Plaintiff and the Learned counsel Thiru.R.Kalidoss for Respondent / Defendant and on perusal of the records and upon hearing both sides, this court delivers the following.

ORDER

This petition is filed by petitioner under Order 3 Rule 1 and 2 CPC, 1908

2. The Brief averments of the Petition are as follows:-

Suit is filed for Permanent injunction by Plaintiff/Petitioner and Respondent is contesting the same . It is stated that, the Plaintiff Sekar is ill, right leg amputated for reason of diabetic and could not walk and so executed General Power deed dt.16.11.2025 in favour of his brother Balu empowering him to pursue the litigation. The general power deed is filed along petition. Hence, prays to recognise the power agent , if not, it will cause serious loss and hardship. Hence the petition.

3. The brief averments of the Counter filed by R1 are as follows: -

The petition is false, frivolous, vexatious, drag on and liable to be dismissed. The respondents denies the averments in the petition except admitted facts.

It is denied that, petitioner / Plaintiff Sekar is ill and could not walk and appear before court. It is not maintainable to accept the power deed executed by petitioner in favour of brother as the Power Deed is not valid, as registered power deed should be executed by petitioner and not by Notary power deed. The Power Deed dt 16.11.2025 is not complete and executed properly and petitioner need to file separate affidavit which he failed do so and prays to dismiss the petition with cost.

4. Neither the Petitioner nor the Respondent has placed any oral or documentary evidence before this court.

5. Now it is to decide whether this petition is fit to be allowed or not ?

6. Point for discussion:-

6.1) Heard both sides. Records perused. Both side learned counsels argued their Replica of Petition and Counter.

6.2) The Petition is filed to permit the power agent to prosecute the original suit as power of attorney and power deed is filed along with petition which shows the petitioner was appointed as power agent to conduct the original suit as petitioner/plaintiff due to illness and amputation of right leg could not conduct the case . For which ,it is contested in the Counter that, power deed execution is not proper as it is unregistered but is Notary one and no affidavit filed separately .

6.3) On perusal of case records and On considering both side rival submission,

the power deed was perused in which petitioner and witnesses signature are present in the deed .On considering the petition averments, this Court is of view that reasons stated by petitioner viz his illness and Amputation of right leg for reason of diabetic are satisfactory. As the petitioner's brother is being authorised to act as power agent for the original suit, he needs to be permitted to represent on behalf of petitioner though it is objected. In the interest of justice, petitioner's leg being amputated, this court inclines to allow the petition .

7) **In the result**, the petition is allowed. No Cost.

Dictated to the steno-typist, typed by her in computer, corrected and pronounced by me in the open court, this the 20th day of January, 2026.

(Sd/-S.Padmavathi)

Principal District Munsif,
Chidambaram.

List of witnesses on the side of Petitioner: NIL

List of exhibits on the side of Petitioner: NIL

List of exhibits on the side of Respondents: NIL

List of witnesses on the side of Respondents: NIL

(Sd/-S.Padmavathi)

Principal District Munsif,
Chidambaram.

Fair/draft order
IA.No.305/2025
in
OS.No.113/2019
Date: 20.01.2026

