

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Tmt.J.Mavis Deepika Sundaravadhana, M.A.,M.L.,**
Principal District Judge, Chengalpattu.

Tuesday the 16th day of July 2024

I.A.No.4/2024
in
O.S.No.164/2017

Prabhu Ananthan,

represented by his power agent

P.Jayaraj

. . . Petitioner / Plaintiff.

/Vs/

1. A.Kamali

2. Manikandan

. . . Respondents / Defendants.

This petition came up before me in this court for final hearing on 24.6.2024 in the presence of Tvl.K.Kamalakannan and K.Nivash, Advocates for the petitioner, both the respondents set exparte in the suit itself, upon hearing the arguments of petitioner's counsel, perusing the entire records and having stood over for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner / plaintiff under Order 3 Rule 2 r/w Section 151 CPC, to permit P.Jayaraj to represent the interest of the petitioner as his power of attorney in the suit.

2. One Thiru.P.Jayaraj filed this petition on behalf of the plaintiff, as power agent. The said P.Jayaraj states that the plaintiff namely Prabhu Ananthan is presently residing at United States of America. It is stated that the plaintiff had executed a power of attorney deed dated 20.2.2023 duly constituted and appointed the said P.Jayaraj to exercise all the powers that are adumbrated under the said deed, hence, the said P.Jayaraj is entitled to represent the petitioner/plaintiff in the above suit.

3. The said P.Jayaraj states that plaintiff is the husband of his daughter, thereby he is fully aware of the entire internal and external affairs of the plaintiff's family. Hence, if the said P.Jayaraj states that if he is permitted to represent on behalf of the plaintiff, the interest of the plaintiff will be fully safeguarded and protected, thereby the petition is filed.

4. The suit is one for declaration of a settlement deed dated 18.5.2007 as null and void, to declare the plaintiff as absolute owner of the suit property, for vacant possession of suit property and for damages for the use and occupation of the suit property at the rate of Rs.20,000/- per month from the date of plaint till the date of delivery of the suit property to the plaintiff.

5. On perusal the suit is filed in the year 2017 by the petitioner plaintiff. The present application is filed recently on 7.2.2024. The one who filed the suit would have enough and good knowledge about the dispute. Having conducted the suit for more than six years, the plaintiff suddenly

appointing a power agent that too his father-in-law, to represent on behalf of plaintiff is not acceptable. The suit is now at the stage of exparte evidence. Only the plaintiff can let in evidence with respect to the dispute. The facts which are exclusively under the knowledge of the plaintiff cannot be spoken by his power of attorney, even he is the father-in-law of plaintiff. Hence, the petition is liable to be dismissed.

6. As the result, petition dismissed. No costs.

Dictated by me to the steno-typist, computerized by her directly, corrected and pronounced by me in open court, on this the 16th day of July 2024.

Principal District Judge,
Chengalpattu.

Petitioner's side witness and exhibit :

Nil.

Principal District Judge,
Chengalpattu.