

**IN THE COURT OF THE DISTRICT MUNSIF,
ERANIEL.**

Present: **Thiru. A. Maruthupandi, B.Com., B.L.,**
District Munsif, Eraniel. (F.A.C.)

Friday, the 19th day of July 2024

E.A.No.05 of 2024

in

E.P.No.15/2014

in

O.S.No.467/1995

Bennet, S/o.Chellaiyan
Power of Attorney holder for the
2nd petitioner Vijin, S/o.Ayyappan

... Petitioner / Power Holder /
Decree holder No.2.

vs

1. Chellammal W/o. Ayyappan
2. Vithya Rani, D/o.Ayyappan
3. Nagakanni, D/o.Ayyappan
(Minor petitioners 2 to 4 represented by their
Mother legal guardian, first petitioer)

4. Gopalan, S/o.Swamikannu Nadar (Died)
(L.Rs. Respondents 3 to 7 impleaded as the
legal heirs of Gopalan (R1) in this EP. As per
order in E.A.No.01/2019, dated 03.02.2021)

5. Pachimal, S/o.Swamikannu Nadar
6. Thangam, W/o.Gopalan (Addl.R3)
7. Kumutha, D/o.Gopalan (Addl.R4)
8. Dalmi alias Sivakrishnan, S/o. Gopalan (Addl.R5)
9. Dokkara alias Sivaraman, S/o.Gopalan (Addl.R6)
10.Lal, S/o.Gopalan (Addl.R7) Respondents / Defendants /
Decree holder No.1,3 & 4 and
Judgement Debtors.

This petition is coming before me for final hearing in the presence of Mr.Sundar R.Shajeev, learned counsel for the Petitioner / Power Holder / Decree holder No.2. and Mr.C.S.Lenin, learned counsel for R1, R3 and R4 and Mr.P.John Xavier, learned counsel for R5 and Mr.Jebarlin, learned counsel for R6 to R10 and upon hearing the arguments on both side and on perusal of the case records and having stood over for consideration till this day, this court delivered the following

ORDER

This petition is filed under Order 3, Rule 2 and Section 151 Code of Civil Procedure to accept the General Power of Attorney Deed No.13 of Eraniel Sub Registry dated 08.02.2024 executed by the 2nd petitioner in this E.P. in favour of the petitioner.

2. THE AVERMENTS IN THE PETITION IN BRIEF:-

(i) The petitioner is the power of attorney holder of 2nd petitioner in the Execution petition. This execution petition was filed the delivery of the EP schedule property. The real facts are known to him through the 2nd petitioner. That the 2nd petitioner / Decree Holder in this E.P. got VISA for doing construction work in abroad. Due to his work, he will not able to conduct and appear the case in execution proceedings before this court. So,

he has executed a General Power of Attorney Deed No.13 of Eraniel Sub Registry dated 08.02.2024 to appear, the petitions, depose, enjoy the property, represent, conduct the execution proceedings etc., before this court for and on behalf of the 2nd petitioner in this E.P. Hence, this court to accept the General Power of Attorney Deed executed by the 2nd petitioner in the E.P. in favour of the petitioner.

3. Counter not filed on the side of Respondents / Defendants / Decree holder No.1,3 & 4 and Judgement Debtors :-

4. POINTS FOR DETERMINATION:-

Whether the Petitioner / Power Holder / Decree holder No.2 is entitled to the relief as prayed for or not ?

5. DISCUSSION AND ANALYSIS:-

Petitioner's side heard. Records perused carefully.

(i) On perusal of an affidavit the reasons for conducting case by the petitioner/power of attorney on behalf of decree holder is a reasonable one. Because of the decree holder is working in abroad and more over if this petition is allowed no prejudice would be caused to the respondents. Therefore, this court inclined to allow this petition.

6. DECISION:-

In the result, petition is Allowed.

Dictated by me, typed by Steno-Typist in computer, corrected and pronounced by me in open court, on this 19th day of July 2024.

Sd/- A.Maruthupandi,
District Munsif,
Eraniel (FAC) .

True copy

D.M.C. Eraniel.
EA.No.05 of 2024
in
E.P.No.15/2014
in
O.S.No.467/1995
Fair/Draft order
Dated 19.07.2024

