

IN THE COURT OF DISTRICT MUNSIF, VADIPATTI, MADURAI DT.

Present : Thiru. M.P. Ramkishore, B.E., BL., (Hon's)

District Munisf, Vadipatti

Dated 18th day of February 2025

IA. No.2 / 2024

In

O.S. No.6 /2020

Bose,

(Administrative Officer of Vennimuthu Ayyanar Temple)

Jeyaraman,

(Power agent of the plaintiff Bose)

---- *Petitioner / Power agent*

1. Malaichamy,
S/o. Rasu
2. Rakku,
W/o. Malaichamy
3. Ramu,
S/o. Malaichamy
4. Muthulakshmi,
W/o. Ramu
5. Sundar,
S/o. Malaichamy
6. Meena,
W/o. Sundar
7. Vinoth,

S/o. Ramu
8. Aarthi,
W/o. Vinoth

----*Respondents / Defendants*

//Versus//

This petition was filed before this Court on 28.08.2024 coming before me for final hearing on 18.02.2025, and Advocate Thiru. K. Ramanathan appeared for the Petitioner / Power agent and Advocate Thiru. M. Venkatesan appeared for the Respondents / Defendants. Upon hearing the arguments advanced by both the sides' counsel and upon perusing the available material records, today this Court has delivered the following....

ORDER

1. The petitioner had filed this petition under order 3 rule 1 and 2 and sec.151 of cpc to permit the petitioner to conduct this case by accepting the power of attorney executed by the petitioner's father in favour of the petitioner on 07.08.2024.

2. **Petitioner averments in brief:**

The petition contention was that the petitioner was the son of the plaintiff and the main suit was filed by the petitioner's father for permanent injunction. Further contended that this petition was filed to permit the petitioner / Power agent to conduct this suit as the petitioner's father was ill. Hence, the petitioners filed this petition to permit the petitioner to conduct this suit by accepting the power of attorney executed in favour of the petitioner by the plaintiff on 07.08.2024.

3. **Counter averments in brief:**

In the counter, the respondent denied all facts in the petition and contended that the petition was not supported by any documents, the petition was unlawful and with false facts. The facts mentioned in the petition to conduct the suit as power agent on behalf of the plaintiff was illegal in law. Allowing this petition would cause hardship to the respondents. Thus, this petition must be dismissed.

4. **THE POINT FOR CONSIDERATION IS THAT:** Whether the petition is liable to be allowed or not?

i. Heard both sides and records perused. The learned counsel for the petitioner pleaded that the petition was filed to permit the petitioner to conduct this suit on behalf of the petitioner's father as he was aged person and he could not be able to appear before this court due to his ill health.

ii. On the other hand, the learned respondent counsel denied all the facts of the petition and stated that this petition was filed only to drag on the suit proceedings. Further no document was filed to prove that the plaintiff was the administrative officer of the Vennimuthu Temple, thereby the power of attorney executed in favour of the petitioner is not a reliable document and the petition filed to permit the petitioner to conduct the case cannot be accepted and the petition filed by the petitioner is liable to be dismissed.

iii. **Order 3 rule 1 of CPC is as follows;**

“1. Appearances, etc., may be in person, by recognized agent or by pleader
— Any appearance, application or act in or to any Court, required or authorized by

law to be made or done by a party in such Court, may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader appearing, applying or acting, as the case may be, on his behalf:

Provide that any such appearance shall, if the Court so directs, be made by the party in person. ”

iv. The petition filed by the petitioner to permit him to conduct the main suit on behalf of the plaintiff as he was an aged person and he could not be able to appear before this court, hence this petition was filed, seeking permission to conduct the case by this petitioner as power agent of the plaintiff. The power of attorney document was filed with this petition to permit the petitioner to conduct the suit on behalf of the plaintiff. On the other hand, the respondents deny the petition facts by stating that the petitioner does not have the right to act as power holder on behalf of the plaintiff, as the plaintiff itself was not a administrative officer of the Vennimuthu Temple. Considering both side contentions, recognized agent shall be permitted to conduct the case on behalf of the parties and the order 3 rule 1 and 2 of cpc. But evidence shall be given by the party alone. Hence considering the old age of the plaintiff this court is inclined to allow this petition.

5. **In the result**, this petition is allowed. No costs.

Directly dictated to the Stenographer and computerized, error checked and pronounced in the open court on 18th day of February 2025.

District Munsif,
Vadipatti.

Petitioner side evidence : Nil

Petitioner side documents :

1. Power of attorney document

Respondents side evidence and documents: Nil

District Munsif,
Vadipatti.

DISTRICT MUNSIF COURT

Vadipatti

Fair Order/~~Draft Order~~

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Date : 18.02.2025