

I.A.No.9/2024
in
O.S.No.4/2022

D.D.13.11.2024:

Order Pronounced.

This petition has been filed by the petitioner permitting him to act as power agent of the 1st defendant and to conduct the case.

2. The reason for filing this application to act as power agent recited in the petition is that the defendant had blockage of blood in his brain and was affected with paralytic attack and he is having high blood pressure, sugar and giddiness therefore, he was not able to move about and not able to appear before this Court to give evidence. Therefore, the petitioner herein has filed this petition to act as power agent of the 1st defendant to depose evidence on behalf of the 1st defendant in this case.

3. The suit is filed for partition. The perusal of power of attorney shows that there is no specific recital

authorizing the petitioner to depose evidence on behalf of the 1st defendant. The petitioner has been authorized to do all other acts in conducting the case.

4. Further, the respondent/plaintiff have contended in their counter that the 1st defendant is very much hale and healthy and he is walking independently and he is moving outside his house and he is not bed ridden and the averments stated by the petitioner as if the 1st defendant was affected with paralytic attack is utter false. However the petitioner has not filed any document or medical records to show that the 1st defendant was affected with paralytic attack and bed ridden. Further, the power of attorney also does not speak specifically to give evidence on behalf of the 1st defendant. In the absence of documentary proof regarding illness this Court considers that this petition is not

maintainable and the petition is
deserves to be dismissed.

5. In the result, this petition is
dismissed. No cost.

Principal District Judge,
Perambalur.

