

IN THE COURT OF THE DISTRICT MUNSIF, METTUR

PRESENT: Thiru.R.Manivarman, B.A.,B.L.,L.L.M.,

District Munsif, Mettur.

Thursday, this the 23rd day of August 2022

I.A.No.01/2022

in

O.S.No.116/2017

Shanmugam Asari

.... Petitioner/Plaintiff

/Versus/

1. The State of Tamil Nadu

rep. by The District Collector,

Salem-1.

2. The Assistant Divisional Engineer,

Highways Department,

Mettur Dam-1.

3. The Assistant Engineer,

Highways Department,

Mettur Dam-1.

.... Respondents/Defendants

This petition came up before me on 11.08.2022 for final hearing in the presence of Thiru.B.Balamurugan, Advocate for Petitioner and Thiru.S.Harinarayanan, Government Pleader for Respondents. No counter and petition may be allowed endorsed by the Respondents. On perusal of records and upon hearing arguments of both sides and having stood for consideration till this day, this Court delivered the following:-

ORDER

This Petition is filed Under Order 3 Rules 1 and 2 and Section 151 of C.P.C to permit the petitioner to conduct the suit through his Power of Attorney/Daughter named V.Krishnaveni W/o.Vijayan.

1. The brief contents of the petition as follows:

The petitioner herein is the plaintiff in the suit and the respondents are the defendants. The petitioner filed this suit for Permanent Injunction against the Respondents. Due to his old age and daily troubles the petitioner could not able to attend the court and he is not in fit health condition to depose for a long time either by standing or by sitting. It is further stated that the petitioner have

executed a General power of Attorney deed to his daughter V.Krishnaveni, W/o. Vijayan since she knew all the facts and circumstances of this suit. The petitioner also stated that his daughter is the fittest person to get along with this suit. The petitioner prays to permit his daughter to act as the Power of Attorney and to conduct this suit on behalf of him. Hence this petition.

2. On other hand Respondent Nos.1 to 3 were endorsed no counter.

3. Points. For consideration

Whether this petition can be allowed or not?

4. Points:

(I) The petitioner herein filed this suit for Permanent Injunction against the Respondents. Due to the old age and daily troubles the petitioner could not able to attend the court and not in fit health condition to give evidence. Thus the petitioner have executed a General power of Attorney deed to his daughter V.Krishnaveni, W/o. Vijayan who knows all the facts and circumstances of this suit. The petitioner stated that his daughter is the fittest person to act as the Power of Attorney and to conduct this suit on behalf of him.

(ii) On otherhand Respondent Nos.1 to 3 were endorsed no counter. On considering the facts and circumstance of this case, considering the know objections endorsed by the respondents and also considering the fact that so far as of now the trial has not been commenced in this case and also in interest of justice this court is inclined to allow this petition and also permitted the daughter of plaintiff to act upon a power of attorney on behalf of the plaintiff.

In the result this petition is allowed. No cost.

This order dictated by me to the Steno-Typist she directly typed it in the computer after corrections pronounced by me in the Open Court in the 23rd day of August, 2022.

Sd./–Thiru.R.Manivarman,
District Munsif,
Mettur.

Both Side Witness and Document: Nil

Sd./–Thiru.R.Manivarman,
District Munsif,
Mettur.