

IN THE COURT OF THE DISTRICT MUNSIF, DEVAKOTTAI

PRESENT : Tmt.R.PREMI, B.A., L.L.B., (Hons),

District Munsif, Devakottai

Friday, the 6th day of February, 2026

I.A.No.02/2025

in

O.S.No.27/2025

AN.Somasundaram

...Petitioner

-Vs-

AN.Lakshmanan

(Through his power agent of Mr.Subramanian)

...Respondents

This petition is coming before me for final disposal in the presence of Thiru.S.Sornaprakash learned advocate for the Petitioner and Thiru.Tamilmani learned advocate for the R1 and whereas R2 was set exparte on 21.11.2025. Having heard of both side enquiry and upon perusing the documents, this court do hereby pronounce the following...

ORDER

The petition is filed under Order VII Rule 11(d) and Section 151 of CPC

1. The averments in the petition are as follows:

The petitioner is the first defendant in the main suit. The petitioner states that he is an equal shareholder of the suit mentioned property. He states that the plaintiff along with his family is residing in Malaysia and that they are all the citizens of Malaysia. He states that one Mr.Subramanian has filed this suit as a power agent on behalf of the plaintiff. He states that the power agent has no local standi to file suit. Since the plaintiff is a citizen of Malaysia and has been residing in Malaysia the power of attorney should have been counter signed by the Indian

High Commission in Malaysia and should have the seal of Indian Embassy and the power of attorney should be sent from Malaysia to Devavakottai only then such power of attorney executed in Malaysia shall be valid so as to enable the power agent to file the suit on behalf of the plaintiff. Hence, he prays that the power of attorney is not valid and the suit should be dismissed for that reason alone.

3. The averments in the counter filed by the respondents are as follows:

The respondent is the plaintiff. He is a power agent of the plaintiff in the main of suit. He denies the contentions of the petition and states that the plaintiff has come to India on 14.01.2022 and has been residing in India till 11.04.2022 when he returned to Malaysia. Since the plaintiff is working in Malaysia, he cannot conduct this case directly and hence he has appointed this respondent as his power agent to conduct the case on his behalf. Hence he has executed the power of attorney while he was in India infavor of this power agent. He states that this respondent does not have any intention to cheat the court as stated by this petitioner who has filed petition with false allegations. Hence, he prays for the petition to be dismissed.

4. Now the question to be decided is whether the petition has to be allowed or not?

Petition and counter perused. Enquiry heard on both sides. The petition has been filed under Order VII Rule 11(d) to reject the plaint in O.S.No.27/2025 stating the reason as the power of attorney is not valid as it was not authorized by the Indian embassy in Malaysia. Since the principal is a Malaysian citizen. On the other hand, the respondent has denied the allegations stating that the principal works in Malaysia and that he came to India and only during that time he has executed the Power of attorney. Both side averments perused. The respondents have submitted a copy of the passport of his principal, on perusal of which it becomes clear that the plaintiff/principal Mr. Lakshmanan Annamalai Chettiayar

has arrived at India on 11.01.2022 and has left to Malaysia on 11.04.2022. On perusal of records, it is found that the power of attorney produced by this power agent was executed on 09.04.2022. On perusal of these records, it becomes clear that the power of attorney in fact was executed while the principal was in India and hence the requirements as stated by the petitioner need not be satisfied. Moreover, this is not a sufficient ground to reject the plaint under Order VII Rule 11(d) as it is a provision to reject the plaint when the suit is expressly barred by law, as this is only a procedural defect. Hence, the reason stated by the petitioner is not satisfactory and in the end the petition is dismissed. No order as to cost.

5. Decision

In the end, the petition is dismissed. No order as to cost.

This Order was dictated by me, typed by the steno-typist, corrected by me and pronounced by me in the open Court on 06th day of February 2026.

**District Munsif,
Devakottai.**

Annexures:

List of witnesses on the side of the Petitioner-Nil

List of documents on the side of the Petitioner-Nil

List of witnesses on the side of the Respondents-Nil

List of documents on the side of the Respondents-Nil

**District Munsif,
Devakottai.**

**District Munsif Court,
Devakottai**

IA.No.02/2025

in

OS.No.27/2025

Dated:06.02.2026

Draft/Fair Order
