

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR**

**PRESENT: Dr. J. JULIET PUSHPA, Ph.D. (Law)**

Principal District Judge, Tiruvallur

**Friday, the 6<sup>th</sup> day of February, 2026**

**I.A.4/2025 IN Commercial OS No.141/2024**

(CNR No.TNTR01007412023)

M/s P.C. Choudhry and Sons

Represented by its Power of attorney Agent

Nilesh Kadel

...Petitioner/ Plaintiff

Versus

1. M/s Balaji Bricks Industries,  
represented by its Proprietor S Sekar
2. S. Sekar  
Proprietor, M/s Balaji Bricks Industries

...Respondents/Respondents

This Petition coming on 29.01.2026 for hearing in the presence of M/s M. Mohanraj, learned counsel for the Petitioner and M/s S. Kamadevan, M. Navaneetha Krishnan, learned counsel for the respondents upon hearing the both side and perusing the documents and entire case records, this Court delivered the following:-

**ORDER**

This petition filed by the Petitioner under Order VI Rule 17 of C.P.C. to amend the plaint in the cause title, and all relevant averments of the plaint in OS.11/2024 by substituting the name “Nilesh Kadel” in the place of “R. Sundaramurthy” in accordance with the orders passed in IA.2/2025 dated 27.11.2025 and to carry out all consequential amendments in the plaint

**2. Brief averments of the Petitioners is as follows :-**

According to petitioner, the petitioner is Mr. Nilesh Kadel, the duly appointed and authorized power of attorney holder of the plaintiff. The

respondents/defendants availed mortgage loan of Rs.75,00,000/- from the plaintiff under mortgage deed dt. 10.07.2017 agreeing to repay with interest at 12% per annum, but defaulted. Hence, the suit was filed. Due to age and illness, the plaintiff Mr. Padam Chand Choudhary was unable to appear hence, initially through R. Sundaramurthy, who was the earlier Power of attorney holder represented the plaintiff in the suit. Subsequently, R. Sundaramurthy developed serious health issues, hence, the petitioner herein Nilesh Kadel has been appointed as power agent of plaintiff by a notarized power of attorney deed dt. 09.04.2024. The plaintiff filed IA.2/2025 seeking permission to substitute the petitioner to represent the plaintiff in the suit proceedings and to substitute his name in the place of R. Sundaramurthy which was allowed by this Court on 27.11.2025. Hence, it is necessary to amend the cause title in the plaint and all relevant averments where the R. Sundaramurthy occurs, and substitute the same with "Nilesh Kadel". This amendment is only consequential. Hence, prayed to allow the amendment.

**3. The averments in the counter filed by the 2<sup>nd</sup> respondent in brief :**

The 1<sup>st</sup> respondent company is a not existing one, hence there is no necessity to file counter on behalf of the 1<sup>st</sup> respondent. Hon'ble High court, Madras in CRP.4695/2024 vide order dated 17.10.2025, directed to dispose the case on or before 31.12.2025. The application in IA No.2/2025 is seeking relief *"the court may be pleaded to permit my power of attorney, viz. Nilesh Kadel to give evidence on my behalf in the above OP and thus render Justice"*. He filed

another application in IA.3025 to receive documents, which was allowed on endorsement by the respondent. By taking note of the said endorsement I the application, was allowed by order dated 27.11.2025. However, the A Diary dated 27.11.2025 in respect of IA.2/2025 states that “*this petition to permit the petitioner as power agent and represent this case, hence, this case is allowed*”.

Then the suit is posted for steps. The respondent had given no objection only to the extent that another power agent, Nilesh Kadel to give evidence over , but not to represent the plaintiff in the suit. A third party can give evidence without permission and summons under Order XVI Rule 1 of CPC. Hence, this petition by the petitioner who is not a party to the suit, without the affidavit of plaintiff is not maintainable and the same is impermissible. This petition is only to protract the proceedings. If this petition is allowed, it will delay the proceedings as the petitioner has no *locus standi* to represent and prosecute the suit. Both the previous and present power agents are employees of plaintiff, hence, the reasons assigned for the change of power agent after commencement of trial is not bonafide as the previous power agent is still working under the plaintiff. Hence, prayed to dismiss the petition.

3. The petitioner has not adduced any oral or documentary evidence.
4. Now, the points for consideration in this petition are:
  - 1) **Whether the petitioner is entitled to the relief as prayed for ?**
  - 2) **Whether this petition is to be allowed?**

5. **POINTS 1 AND 2 :-**

Heard both sides.

This petition is filed to amend the cause title in the plaint in respect of power agent of the plaintiff, with the present petitioner, Mr. Nilesh Kadel, in the place of previous power agent, Mr. R. Sundaramurthy.

6. On perusal of records, it shows that the Commercial original suit was filed by the plaintiff P.C. Choudhry and Sons represented by its Power of Attorney R. Sundaramurthy. The owner of the company is Padam Chand Choudhary, S/o Anopchand Choudhary singed as Karta of the company. Pending the suit for trial, the plaintiff filed IA No.2/2025 praying to substitute the existing Power of Attorney, R. Sundaramurthy with his new Power Agent, Nilesh Kadel, as the previous power agent is having health issues and could not continue to conduct the proceedings of the suit on behalf of the plaintiff. The said petition was allowed on 27.11.2025, hence, the plaint cause title and all the relevant averments with regard to name of the power agent has to be substituted with "Nilesh Kadel" instead of "R. Sundaramurthy".

7. This petition is vehemently objected by the 2<sup>nd</sup> respondent/2<sup>nd</sup> defendant on the ground that I.A.2/2025 was allowed only to the extent that the new power agent shall be empowered only to give evidence on behalf of the plaintiff and cannot represent the suit on behalf of the plaintiff, for which the new power agent shall be treated only as third party as contemplated under Order XVI Rule 1 of Civil Procedure Code, the present power agent has no authority to file affidavit in this petition, hence, the amendment in cause title and the name of the

previous power agent cannot be substituted

8. On perusal of the records, it is seen that I.A.2/2025 was filed by the plaintiff, Mr. Padamchand Choudhary to permit his power of attorney Mr. Nilesh Kadel to give evidence on his behalf in the original petition. This application was allowed by this Court on 27.11.2025 after hearing both side as follows :

***“This petition is to permit the petitioner as power agent to represent this case. Hence, this petition is allowed ”***

9. Therefore, from the above orders of this court, is clear that the petitioner herein, Mr. Nilesh Kadel was permitted to represent the plaintiff company on behalf of Mr. Padamchand Choudhary. The order of this court dated 27.11.2025 does not confine the present power agent of plaintiff, Mr. Nilesh Kadel only to render evidence, but to represent the plaintiff company to conduct the proceedings of the case.

10. Admittedly, as against the order of this Court dated 27.11.2025, the 2<sup>nd</sup> respondent has not chosen prefer any revision, instead he has admitted to allow the above said petition. Therefore, when this court passed specific orders as to representative capacity of Mr. Nilesh Kadel as power agent of the plaintiff company, he is authorized to represent the plaintiff to conduct the proceedings of the commercial original suit. Moreover, on perusal of the notarized power of attorney deed dated 09.04.2024, the plaintiff has nominated the petitioner herein, Mr. Nilesh Kadel to

*“to sign and verify all the pleadings, petition/s, complaint/s, form’s  
plaint/s written statements applications, or documents etc. of any nature*

*whatsoever, before Magistrate Court or any other Court or tribunal”*

Therefore, with the specific orders of this court dated 27.11.2025, empowering the new power agent of plaintiff to represent the case, and when the same is recorded, and also when the respondents have not challenged the orders of this Court, the orders of the Court dated 27.11.2025 has to be treated attained finality, thereby authorizing the petitioner , Mr. Nilesh Kadel to represent the plaintiff and to conduct the proceedings of the original suit on behalf of the plaintiff.

11. It is settled preposition that a power of attorney is a creation of an agency whereby the grantor authorizes the grantee to do the acts specified therein, on behalf of grantor, which when executed will be binding on the grantor as if done by him. It is revocable or terminable at any time unless it is made irrevocable in a manner known to law. It is relevant here to specify the authority of the Hon’ble Apex Court reported in (2005) 12 SCC 77 (*State of Rajasthan and Others v. Basant Nahata*), wherein it is held that

*“13. A grant of power of attorney is essentially governed by Chapter X of the Contract Act. By reason of a deed of power of attorney, an agent is formally appointed to act for the principal in one transaction or a series of transactions or to manage the affairs of the principal generally conferring necessary authority upon another person. A deed of power of attorney is executed by the principal in favour of the agent. The agent derives a right to use his name and all acts, deeds and things done by him and subject to the limitations contained in the said deed, the same shall be read as if done by the donor. A power of attorney is, as is well known, a*

*document of convenience.”*

It is not disputed by the 2<sup>nd</sup> respondent about the execution of power of attorney dated 09.04.2024 by the plaintiff Padamchand Choudhary in favour of the petitioner herein. Thus, in the above said circumstances, with the specific order of this Court permitting the petitioner herein to represent the case of plaintiff, he is entitled to conduct the proceedings of the suit on behalf of his Principal, i.e. plaintiff. As such, the amendment sought for by the petitioner in the cause title is necessary for proper adjudication of the case.

12. Moreover, by substituting the name of the petitioner, being the power agent of the plaintiff, neither the cause of action nor the nature of the original suit is changed. In view of the specific orders of this Court dated 27.11.2025, the amendment in the cause title sought for by the petitioner is only consequential, and there is no impediment in allowing the same.

13. Merely because the petitioner is permitted to amend the cause title, it does not mean that the claim which has been made by the plaintiff would be proved. The petitioner herein is liable for proving all the alleged facts in the original suit on behalf of his principal, i.e. plaintiff by adducing necessary oral and documentary evidences in the original suit. Therefore, the contention of the learned 2<sup>nd</sup> respondent that the petitioner herein has to be treated as third party under Order XVI Rule 1 of CPC is not sustainable.

14. The further contention of the learned 2<sup>nd</sup> respondent is that the petitioner herein has no *locus standi* to file affidavit in this petition, since he is not a party to the suit since amendment in the plaint if still not carried out.

As far as this contention is concerned, this Court has already allowed I.A.2/2025 thereby authorizing the petitioner herein, to act as the power agent to represent the case of the plaintiff. Therefore, only based on the orders of this Court dated 27.11.2025, the petitioner has come forward with this petition and filed the affidavit, which cannot be in any way considered as perverse to Law. Thus, the contention of the respondent on this aspect has no force.

15. Therefore, considering the nature of the amendment sought for, which is only consequential, as the proposed amendments does not appears to change cause of action and in order to give the petitioner an opportunity to prove his case, this Court is inclined to allow this petition.

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

Dictated by me to the Steno-Typist, transcribed and typed by him, corrected and pronounced by me in open Court on this, 6<sup>th</sup> day of February, 2026

**PRINCIPAL DISTRICT JUDGE,  
TIRUVALLUR**

**Witnesses and Documents on the side of  
Petitioner and respondent : NIL**

**PRINCIPAL DISTRICT JUDGE,  
TIRUVALLUR**