

**IN THE COURT OF THE DISTRICT MUNSIF, PONNERI.**

**PRESENT: Tmt. V. Vannamalar, M.L., PGDIPR., PGD in CrI. & Fr.Sc.,  
District Munsif, Ponneri**

Friday, the 12<sup>th</sup> day of April 2024.

**I.A.No.2 OF 2023**

**in**

**O.S.No.57 OF 2019**

1. P.Padmanaban  
2. P.Dinesh Babu

..... Petitioner/Power Agent  
..... Petitioner / Plaintiff

Versus

Palani

..... Respondent/Defendant

This petition came up on 12.04.2024 before me for final hearing in the presence of Mr.P.Subramanian, learned counsel for the Petitioners and Mr.R.Sridar, learned counsel for the Respondent. Upon hearing the arguments made by the learned counsels for the petitioners and the respondent and on perusal of the material case records and having stood over for consideration till this day, this Court delivers the following:

**ORDER**

1. This petition is filed under Section 151 of Civil Procedure Code to permit the 1<sup>st</sup> petitioner to give evidence on behalf of the plaintiff in the suit.

**2. Brief averments of the affidavit filed by the 1<sup>st</sup> Petitioner are as follows:**

The 1<sup>st</sup> petitioner submits that the plaintiff is his son and he is the Power Agent of the plaintiff in the above suit. The 1<sup>st</sup> petitioner submits that the plaintiff is now working at Saudi Arabia and hence he is not in a position to give evidence in the above suit and he has executed Power of Attorney dated 10.04.2023 and appointed the 1<sup>st</sup> petitioner as his Power Agent to give evidence on behalf of the plaintiff. Hence, the

present application to permit the 1<sup>st</sup> petitioner to give evidence on behalf of the plaintiff in the above suit is filed.

**3. Brief averments of the Counter filed by the Respondent are as follows:**

The respondent submits that the 1<sup>st</sup> petitioner is not a competent person to depose evidence on behalf of plaintiff and the 1<sup>st</sup> petitioner as power agent can only present the pleadings and sign the same on behalf of his principal. Hence, this petition is liable to be dismissed with costs.

4. Neither the petitioners nor the respondent have placed any oral or documentary evidence before this court. Now, it is the paramount duty of the court to decide whether this petition is to be allowed or not.

5. Heard both sides. Records Perused.

6. On careful analysis, it is noted that the 2<sup>nd</sup> petitioner is the plaintiff in the suit and the suit has been filed by the 2<sup>nd</sup> petitioner against the respondent for recovery of possession along with other reliefs. When the suit is posted for trial, this petition is filed by the 1<sup>st</sup> petitioner as power agent of the plaintiff seeking permission to adduce evidence in the suit on behalf of the plaintiff. The 1<sup>st</sup> petitioner contends that the plaintiff is his son and he is the Power Agent of the plaintiff in the above suit. The 1<sup>st</sup> petitioner contends that since the plaintiff is now working at Saudi Arabia he is not in a position to adduce evidence in the above suit and that he has executed Power of Attorney dated 10.04.2023 and appointed the 1<sup>st</sup> petitioner as his Power Agent to give evidence on behalf of the plaintiff. On the other hand, the respondent objects to allow this petition stating that the 1<sup>st</sup> petitioner as power agent is not a competent person to depose evidence on behalf of plaintiff.

7. On careful consideration of the above rival submissions, this court finds that the 1<sup>st</sup> petitioner has submitted along with this petition the original of the power of attorney

deed dated 10.04.2023 executed by the plaintiff thereby appointing the 1<sup>st</sup> petitioner as his power agent to adduce evidence on behalf of the plaintiff in the suit. As per Order 3 Rules 1 and 2 of Civil Procedure Code, a party to a suit can appear and conduct his case through his recognised agent and a person holding a Power of Attorney authorizing him to make such appearances and to act on behalf of such principal as a recognized agent. Considering the above and in the interest to meet the ends of justice this court is inclined to allow this petition.

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

Dictated by me to the steno-typist, who directly typed the same, corrected and pronounced by me in the open court, on this the 12<sup>th</sup> day of April 2024.

**Sd/-V. VANNAMALAR,  
DISTRICT MUNSIF  
PONNERI**

Both sides documents and witnesses: Nil

**Sd/-V. VANNAMALAR,  
DISTRICT MUNSIF  
PONNERI**

Fair/ Draft Order  
I.A.No.2/2023  
O.S.No.57/2019  
Date:12.04.2024  
DMC,PNI