

IN THE COURT OF DISTRICT MUNSIF AT AMBATTUR.

**PRESENT: TMT.J.MADHUMITHA, B.A.B.L(HONS.), L.L.M.,
DISTRICT MUNSIF, AMBATTUR.**

Tuesday, 03rd day of June 2025.

INTERLOCUTORY APPLICATION NOS.3 OF 2025

IN

ORIGINAL SUIT NO.121 OF 2018

CNR.No.TNTR22 – 000137 – 2018

1. Mrs.R.Hema Maheswari
 2. Mrs.R.Mahalakshmi, Represented by her Power Agent,
Mr.P.Venkatesan
 3. K.V.D.Kishore Kumar
- ...Petitioners/ Plaintiffs

Versus

1. E.Ramakrishna Naidu
 2. K.Kumar
 3. G.Dayalan
-Respondents/Defendants

This petition having come on 03.06.2025 before me for final hearing in the presence of Shri.N.Biswanath and P.M.Ashok Kumar, learned counsel for the Petitioners/Plaintiffs, Shri.H.Mohammed Farook and K.Koteswara Rao, learned counsel for the 1st Respondent/1st Defendant, counter not filed by Respondents/Defendants 2 and 3, upon hearing the arguments made by the learned counsel for the petitioner and the respondent and perusal of the records, having stood over for consideration till this day, this Court delivers the following:

ORDER

1. This petition is filed under Order III Rule 2 of CPC to permit the Petitioner to appear in court through as the power agent for Mrs.R.Mahalakshmi, as her Power of attorney and render justice.

CONCISE STATEMENT OF PETITION FILED BY THE PETITIONER:

2. The Petitioner has averred that the Power agent of my Principal Mrs.R.Mahalakshmi, the Chairperson and managing trustee of various Vel Institutions and she had executed a power of attorney dated 21.02.2025 authorising the petitioner to look after the suits now pending in Ambattur District Munsiff Court and as such the petitioner is entitled to represent her in the proceedings and the said power is still in force, seeking to allow the petition.

CONCISE STATEMENT OF THE COUNTER FILED BY THE 1st RESPONDENT (Counter of R2 and R3 not filed) :

3. The 1st Respondent has averred that at trial stage, the petitioner has come forward with the present petition filed under Order III Rule 2 CPC, seeking permission to represent the Plaintiff No.2 as her power Agent, without adducing any reason as to why the Power agent has been appointed during the time of trial where the presence of the plaintiff is very much vital and importance for deposing the evidence to speak about her case. But the above petition for permission filed at this stage would clearly imply that the power agent has been appointed by her only to avoid her presence during the court proceedings where her evidence, being the plaintiff is very much necessary, and the cross examination by the defendant would elicit the truth about the subject matter of the suit. Moreover, the above suit is not related to any trust and institution and as such the plaintiff cannot avoid her presence before this Hon'ble Court by way of appointing her Power agent to represent the above suit. The power agent cannot adduce evidence on which he has no personal knowledge and hence the petition is abuse of process intended to delay the trial. Hence the above petition is liable to be dismissed.

POINT FOR DETERMINATION:

4. Whether this petition under Order III Rule 2 of CPC to permit the Petitioner to appear in court through as the power agent for Mrs.R.Mahalakshmi, as her Power of attorney, has to be allowed or not?

DISCUSSION AND FINDING:

5. This court had heard the submissions of the learned counsel for the Petitioner and Respondent and also perused the materials on record. No oral or documentary evidence has been let in by both parties.

6. Heard both sides. It is observed from the affidavit of the Petitioner that the 2nd Plaintiff Mrs.Mahalakshmi is the chairperson and managing trustee of various Vel Institutions, and that the Power of attorney deed submitted before Court is executed in Rs.100 Stamp paper, which is also found to be unregistered. The reason for 2nd Plaintiff to not appear before Court for trial is said to be her management works in the reputed Vel Institutions. Hence, a doubt arises before the mind of Court as to how the 2nd Plaintiff has executed the power of attorney deed to the Petitioner in an unregistered manner, furthermore not complying the rate prescribed in the Indian Stamp Act, 1899, as per which the power of attorney deed has to be executed in Rs.500 Stamp paper.

7. Hence this Court is of opinion that the General power deed does not confer any right to the power agent to carry on Court proceedings on behalf of the Principal, as it is not executed in Rs.500 Stamp paper as per the Indian Stamp Act, 1899.

RESULT :-

8. In the result, this petition is dismissed without costs in the interest of justice. Dictated to the steno-typist, transcribed by her in the desktop, corrected and pronounced by me in the open Court on this the 03rd day of June 2025.

**Sd/-J.MADHUMITHA
DISTRICT MUNSIF,
AMBATTUR.**

PETITIONER AND RESPONDENTS SIDE WITNESSES AND EXHIBITS: NIL.

**Sd/-J.MADHUMITHA
DISTRICT MUNSIF,
AMBATTUR.**