

IN THE COURT OF DISTRICT MUNSIF AT AMBATTUR.

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

Thursday, 04th day of June 2026.

INTERLOCUTORY APPLICATION NO.8 OF 2026

IN

ORIGINAL SUIT NO.121 OF 2018

CNR.No.TNTR22 – 000137 – 2018

1. Mrs.R.Hema Maheswari

2. Mrs.R.Mahalakshmi,

3. K.V.D.Kishore Kumar,

1 to 3 Plaintiffs are Represented by their Power Agent,

Mr.P.Venkatesan

....Petitioners/ Plaintiffs

Versus

1. E.Ramakrishna Naidu

2. K.Kumar

3. G.Dayalan

.....Respondents/Defendants

This petition having come on 04.06.2026 before me for final hearing in the presence of Shri.N.Biswanath and B.Deepak Narayanan, learned counsels for the Petitioners/Plaintiffs, Shri.R.Thiagarajan, Vasudha Thiagarajan and R.Maheswaran, learned counsel for the 1st Respondent/1st Defendant, Respondents/Defendants 2 and 3 were already set exparte in the suit, upon hearing the arguments made by the

learned counsels for the petitioners and the learned counsels for the respondents 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 Power agent P.Venkatesan, to represent the plaintiffs in the above suit.

CONCISE STATEMENT OF PETITION FILED BY THE PETITIONERS/ PLAINTIFFS:

2. I am the authorised person of the plaintiff institution and I am well acquainted with the facts and circumstance of the case and the averments made in the plaint and the documents filed may be treated as part and parcel of this affidavit. That I am the power agent of the plaintiffs and the power executed by them had already been filed in this Hon'ble Court and the said power is still in force. Hence prayed to permit me to represent my Principals/plaintiffs herein as their power of attorney.

CONCISE STATEMENT OF THE COUNTER FILED BY THE RESPONDENTS/DEFENDANTS:

3. The 1st respondent submit that the above petition is utter misuse of process of law and it is bereft of details which has been filed without adducing any reason for appointment of power agent at this stage of the suit. As such the present application is liable to be dismissed in limini with exemplary costs. That the above suit has been filed by the plaintiffs (1) Hema Maheswari 2) Mrs.R.Mahalakshmi and

3)Mr.K.V.D.Kishore Kumar in their own capacity, and the plaint thereof was signed and verified by all of them.

4. That the above the suit has been posted for trial in the list at this juncture one Mr.P.Venkatesan had filed an application under Order III Rule 2 CPC seeking permission to represent the 2nd plaintiff Mrs.R.Mahalakshmi as the power agent in I.A. No.3 of 2025 the said application was hotly contested and the said I.A was dismissed by vide order dated 03.06.2025 and the said order has become final and conclusive between the parties hereto.

5. That this Hon'ble Court was rejected I.A.No.3 of 2025 since it offends the provisions of the Indian Stamp Act as well as the registration manual. However, without reference to the scope and ambit of the powers of the Hon'ble Court to review an order the petitioners/plaintiffs through P.Venkatesan have filed a review in I.A.No.7 of 2025 against the order dated 03.06.2025 But now the present petitioners/plaintiffs have once again filed the present I.A. No. 8 of 2026 to appoint one Mr.P.Venkatesan to represent them as the power agent of plaintiffs with the same set of facts.

6. That without adducing any reason as to why the power agent has been appointed at the stage of trial moreso, where a power agent cannot depose in that the presence of plaintiffs is very much vital and important for tendering evidence to speak about her case. A cursory reading of the affidavit filed in support of this application would manifest that POA has been given this stage enable the

petitioners/plaintiffs only to avoid presence during the court proceedings for tendering evidence, POA given by plaintiffs is only a ruse to protract and prolonged the proceedings and thereby avoid the plaintiffs cross examination by the defendant would delict the truth about the subject matter of the suit. Moreover, the present application is hit by the vires of constructive res-judicata in as much as an order passed on 03.06.2025. On the same subject has attained finality, That I am a senior citizen crossed above 86 years and unless the suit is disposed as expeditiously as possible during my life time, I shall not be in position to prove the falseity of the claim of the plaintiffs/petitioners and the manner in which the fraudulent documents has been created to claim right over my property. I therefore contest the maintainability and legality of the present application. The present application does not contain any valid or tenable reasons for appointing the power agent at this trail stage. Moreso the above petition is barred by Res-judicata. As such it is liable to be dismissed with cost and suit may be taken up for consideration dealt with in accordance law.

7. **POINTS FOR DETERMINATION:** Whether this petition has to be allowed or not?

Discussion and Findings:

8. 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. Heard both sides. It is observed from the

affidavit of the Petitioner that the three Plaintiffs, who are the chairperson and managing trustee of various Vel Institutions, have appointed this Petitioner, Mr. Venkatesan as their Power of attorney to proceed with the case. It is countered by the Respondent that this Court has rejected I.A.No.3 of 2025 via order passed on 03.06.2025, and thus this petition is hit by the vires of constructive res-judicata in as much as an order passed on 03.06.2025.

9. It is observed that the power deed submitted before Court in I.A.No.3 of 2025 was rejected on the technical grounds that the power deed was executed in Rs.100 Stamp paper. In the present petition it is observed that the circumstances have differed, as all the Plaintiffs are empowering the Petitioner for the purpose of the conducting of case, and there is no mandatory need for registration as it is mere power to appear before Court. Thus this Court holds that there is no constructive res-judicata as the circumstantial differences are considered. The reason for Plaintiffs to not appear before Court for trial is said to be their management works in their Institutions, is accepted as satisfactory.

10. But this Court also takes into consideration that the Power of Attorney can only depose about the facts within his personal knowledge and not about those facts which are not within his knowledge or are within the personal knowledge of the person who he represents or about the facts that may have transpired much before, as per the Division Bench judgment of the **High Court of Andhra Pradesh, Podelly Chinna Chinnanna v. Bandari Pedda Bhumanna and Others**, the aspect that a party in a

suit can appear and act through his power of attorney holder.
Power of Attorney Holder is also competent to give evidence on behalf of the party.

11. Hence this Court is of opinion that the General power deed produced before Court dated 01.10.2025 confers right to the power agent to carry on Court proceedings on behalf of the Principal, with condition that he can give evidence regarding facts, transactions, or documents that he personally witnessed or handled, and cannot step into the shoes of the principal to testify about matters only the Principal knows.

RESULT :-

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

Dictated to the steno-typist, typed directly by her in the desktop, corrected and pronounced by me in the open Court on this the 04th day of June 2026.

**DISTRICT MUNSIF,
AMBATTUR.**

List of Petitioner Side and Respondents Side Witnesses and Exhibits : Nil

**DISTRICT MUNSIF,
AMBATTUR.**