



S.A. No.238 of 2023

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N.SESHASAYEE, J.

Learned counsel appearing for the appellants informs the court that the substantial questions of law need to be fine tuned and hence circulated a fresh set of substantial questions of law. The second appeal is **admitted** on the following Substantial Questions of Law:

"1. Whether the courts below are right in dismissing the suit and Appeal suit based on the ground of non joinder of necessary parties/power agent/vendors as it leads to dismissal of suit and no effective decree could be passed especially when there are chances to try both the suits in O.S. No.172 of 2008 in O.S. No.65 of 2010 together the question of non joinder of parties could be avoided or not?

2. Whether the courts below are right in upholding that the power of attorney dated 28.04.2005/Exhibit B3 is in force without adjudicating that whether it is coupled with interest or not in the context of Section 202 of the Indian Contract Act especially in the absence of any proof as to the payment of consideration in the recitals or in the form of endorsement or not?

3. Whether the courts below are right in upholding that non issuance of notice of revocation / cancellation of power of attorney dated 21.02.2008/Exhibit A5 is fatal under Section

<https://www.mhc.tn.gov.in/judis> *206 of Indian Contract Act when it statutorily enables the*



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parties affected thereby to sue for damages or not?

4. Whether the courts below are correct in upholding that the power agent executed a sale agreement dated 25.02.2008/Exhibit B5 in the name of his son one Nanjappa and then both of them jointly executed a sale deed dated 17.03.2008/Exhibit B4 in the name of the defendant is valid after the cancellation of power of attorney dated 21.01.2008/Exhibit A5 or not?

5. Whether the courts below are correct in upholding the title of the defendant based upon the sale deed dated 17.03.2008 executed by the power agent in the name of the defendant without adhering to the same in the context of Section 27 of the Specific Relief Act or not?"

Notice to the respondents through court and privately, returnable by
16.06.2023.

12.04.2023
(1/2)

Asr/-



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12.04.2023