



WEB COPY

CRP No. 3330 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 3330 of 2025 and CRP No. 3331 of 2025

AND

CMP No. 18364 of 2025 and CMP No. 18361 of 2025

1.R.M. Saraswathi

W/o. late. Dr. D. Murugesan, 53, Royapettah High
Road, Mylapore, Chennai 4.

2.M. Balamurali

S/o. late. Dr. D. Murugesan, 53, Royapettah High
Road, Mylapore, Chennai 4.

3.M. Manohar

S/o. late. Dr. D. Murugesan, 53, Royapettah High
Road, Mylapore, Chennai 4.

4.M. Prasad

S/o. late. Dr. D. Murugesan, 53, Royapettah High
Road, Mylapore, Chennai 4.

..Petitioner(s)

Vs

R.S.C. Shanmugavel

S/o. R.S. Chinnapala Nadar, No.11, 80 Feet Road,
Sathya Garden, Saligramam, Chennai 093.

..Respondent(s)

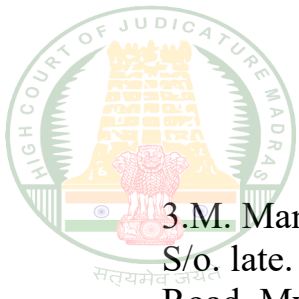
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....Petitioner(s)

Vs

Sivagami Ravikumar

W/o. Ravikumar, 43-A, Jothi Ramalingam Street,
Madipakkam, Chennai-600 091

..Respondent(s)

CMP No. 18364 of 2025

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..Petitioner(s)

Vs

Sivagami Ravikumar

W/o. Ravikumar, 43-A, Jothi Ramalingam Street,
Madipakkam, Chennai-600 091

..Respondent(s)



CMP No. 18361 of 2025

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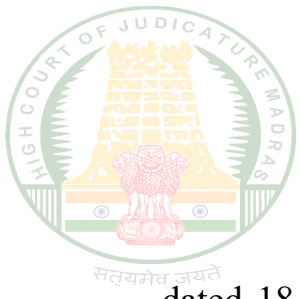
..Respondent(s)

CRP No. 3330 of 2025

To set aside the Order and Decreetal Order dated 18.06.2025 made
in IA No.5/2024 in OS No.5016/2023 passed by the learned XII Assistant City
Civil Court, Chennai and allow the above CRP.

CRP No. 3331 of 2025

To set aside the Order and Decreetal Order dated 18.06.2025 made
in IA No.4/2024 in OS No.5017/2023 passed by the learned XII Assistant City
Civil Court, Chennai and allow the above CRP.

**CMP No. 18364 of 2025**

To stay all further proceedings of the order and Decreetal order dated 18-06-2025 made in I.A.No.4/2024 in O.S.No.5017/2023 passed by the XII Assistant City Civil court, Chennai, till the disposal of the above CRP

CMP No. 18361 of 2025

To stay all further proceedings of the Order and Decreetal Order dated 18.06.2025 made in IA No.5/2024 in OS No.5016/2023 passed by the XII Assistant City Civil Court, Chennai till the disposal of above CRP.

CRP No. 3330 of 2025

For Petitioner(s):	MR.R.Ramesh
For Respondent(s):	Mr.S.Deepak for M/s.Apex Law Office LLP

ORDER

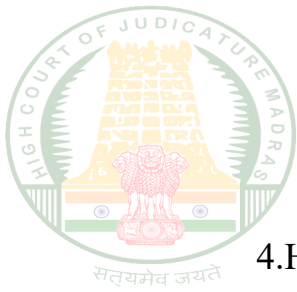
Both the Civil Revision petitions have been filed to set aside the order and Decreetal order dated 18.06.2025 made in I.A Nos.4 and 5 of 2024 in O.S Nos.5017 and 5016 of 2023 respectively passed by the learned XII Assistant City Civil Court, Chennai.

2. The learned counsel for the petitioner would submit that the respondents being the plaintiffs in both suits have filed the above separate suits against the defendants/petitioners herein for recovery of money in which it is said that one Dr. Murugesan who is the husband of the 1st petitioner and father of the other petitioner had borrowed money from the plaintiffs/respondents herein. Pending the suit, the plaintiffs/respondents herein have filed the above



applications in I.A. Nos.4 and 5 of 2024 before the Trial Court seeking for permission of the Trial Court to adduce their evidence through their power of attorney ie. Chandrasekaran. The plaintiffs, who knew the entire facts of the case, can alone establish their case for what purpose they have made the payment to deceased Murugesan, who is the husband of the 1st petitioner and the father of the other petitioners. However, the Trial Court without considering the facts and circumstances of the case, simply allowed both applications by permitting the Power of Attorney to adduce evidence on behalf of the plaintiffs. The Power Agent cannot adduce evidence on behalf of the plaintiffs for the direct financial transaction which is said to have been held between the plaintiffs and deceased Murugesan. Hence, since the said transaction can be proved only by the plaintiffs who had made payment to deceased Murugesan and not by the Power agent, both applications ought to have been dismissed. Hence, he prays to allow both the Civil Revision Petitions.

3. The learned counsel for the respondents would submit that as the Plaintiffs are aged about 71 years old who had physical weakness and also inability to appear frequently before the Trial Court to adduce evidence, Power Agent ie. Mr.D.Chandrasekaran, who is aware of all facts of the case, is allowed to adduce the evidence on behalf of the plaintiffs. Hence, it is not necessary to interfere with the order passed by the Trial Court.



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4. Heard both sides and perused the materials available on record.

5. Having considered the facts and circumstances of the case and submissions made by both side counsel, it is seen that due to old age and ailments of the plaintiffs, they sought permission of the Trial Court to allow the Power of Attorney to adduce the evidence on behalf of the plaintiffs, who aware of all facts. The Power of Attorney is permissible to adduce the evidence on behalf of the principal in a Civil Suit to prove their case under the principle of Law and hence, this Court is not inclined to interfere with the order passed by the Trial Court in both applications. However, the defendants/petitioners are granted at liberty to cross examine the Power of attorney to disprove the plaintiffs' case.

6. With the aforesaid directions, both Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

16-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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