
(2013) 01 MAD CK 0113

In the Madras High Court

Case No : C.R.P. (PD) (MD) No. 2698 of 2012 and M.P. (MD) No. 1 of 2012

M. Abdul Majeed Khan and Others

APPELLANT

Vs

Smt. Suraiya Begam and Others

RESPONDENT

Date of Decision : 04-01-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 3 Rule 1, Order 3 Rule 2

Citation : (2013) 01 MAD CK 0113

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : P. Jaganathan, for the Appellant;

Final Decision : Dismissed

Judgement

G. Rajasuria, J.—This civil Revision Petition has been filed to get set aside the order dated 21.09.2012 passed in I.A. No. 604 of 2012, in

O.S. No. 276 of 2012, by the learned District Munsif at Melur, Madurai District. Heard the learned Counsel for the revision petitioners.

2. The learned Counsel for the revision petitioners would echo the cri decoeur of his client to the effect that there are as many as eight defendants

in the suit; however, the eighth defendant posed himself as Power of the Attorney of the defendants 4 to 7 based on the power deed dated

14.05.2012 and the lower Court, despite objection raised by the plaintiffs, simply allowed it.

3. Being aggrieved by and dissatisfied with the order passed by the lower Court, this Civil Revision Petition has been filed on various grounds.

4. The learned Counsel for the revision petitioner would cite the decision of this Court in The Lakshmi Mills Co. Ltd. Vs. R. Ramajaam, R.

Mylswamy, K. Arumugam and K.GF. Somasundaram, and proceed to elaborate

his arguments by pointing out that the affidavit filed by the Power of Attorney does not contain any details, and simply as a matter of course, the lower Court allowed the eighth defendant to represent the defendants 4 to 7 without any rhyme or reason and such a course is not contemplated and accordingly, there has to be an interference by this Court with the order passed by the lower Court.

5. A mere running of the eye over the precedent cited supra would reveal that that was a case where one of the plaintiffs signed on behalf of the

others without properly obtaining permission from the Court under Order III, Rules 1 and 2 of the Code of civil Procedure, read with Rule 16 of

the Civil Rules of Practice. Here, the facts are different. The eighth defendant, the Power of Attorney is himself Eo nomine party to the

proceedings and he wants to represent the other defendants and that too, on the strength of the registered power deed dated 14.05.2012. In the

penultimate para of the power deed, I could see that the other defendants-principals authorised the eighth defendant to represent them in Court, in

such a case, I could see no illegality or perversity in the order passed by the lower Court. Accordingly, this civil Revision Petition is dismissed.

Consequently, the connected miscellaneous petition is dismissed. No costs.