

Order below exhibit 138

RCS/17/2017

1. After hearing all the parties i.e applicant's learned advocate, defendant's learned advocate, plaintiff's learned advocate present application was kept for orders.
2. The present application is filed by Vipul popatbhai rawal (who is not a party to the present proceeding) who claims to be the power of attorney of manjuben balubhai rathod and bharatbhai balubhai rathod (who both are also not a party to the present proceeding) and have produced power of attorney in support of the present application dated 22nd July 2019 wherein it appears that both the power givers (principals) manjuben and bharatbhai are residing at surat and the power receiver (agent) vipul is also a resident of surat and the power receiver appears to be son in law (jamai) of manjuben.

3. At this juncture the court has perused the present power of attorney and the power of attorney contains thumb impression of manjuben and signatures of bharatbhai and signatures of the Vipul and the same was executed before notarised officer suresh dhodia. I have perused the entire power of attorney and read the contents of the power of attorney and prima facie the only reason for executing the power of attorney is that the de-facto power givers can't remain physically present before this court but for what reasons they can't remain physically present before this court? are they suffering from any permanent disability? There is no answer to this question.
4. The applicant has filed the present application and invoked order 1 rule 10 of the code of civil procedure.
5. The applicant has also preferred a separate suit vide regular civil suit number 30/2020 before this court.

6. Before going into the further factual details and before passing any further final orders on the present application, at this juncture to ascertain whether the application is Bonafide and genuine or the application is bogus petition this court would invoke its power under section 165 of the Indian Evidence act, 1872 and therefore in exercise of powers under the code of civil procedure following order is passed.
7. The applicant who is the (agent) Mr. Vipul popatbhai rawal is directed to ensure the physical presence of both the principals before this court on dated 5th February 2026.
8. It is made clear that if both the principals remain absent on dated 5th February 2026 without sufficient reason this court will be well within its power to presume that they have no interest in the present proceedings.
9. Needless to say that that notice to “agent” is deemed notice to “principal”.

Pronounced in the open court today on this dated 22nd January 2025.

(Bharat Ramchand Lakhwani).

PCJ, Netrang.

Judge Code-GJ01711.