

MHSN150032532020



(Bank of India Branch: Kharsundi
V/s.
Tukaram Agatrao Mohite-2)

ORDER BELOW EXHIBIT 23 IN
SPECIAL CIVIL SUIT No.730/2020
(OLD SPECIAL CIVIL SUIT No.677/2020)

1. This is an application filed by plaintiff Bank vide Order 6 Rule 17 of Code of Civil Procedure.
2. Perused application and say of defendant No.3. Heard both sides at length.
3. The facts in short are as following;
Plaintiff Bank is a Body Corporate constituted under Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970. The plaint is signed and verified by the then power-of-attorney holder for plaintiff Bank. Now, D. Damodar has been authorized by Kolhapur Zonal Office vide letter bearing reference No.ZO:LD:TD:2024-25 dated 25/10/2024 to proceed the suits further. In view of such change, plaintiff Bank sought to amend the title clause of the plaint and to mention the name of new subsequent authorized person.

4. Defendant No.3 opposed the application claiming that, the reason mentioned in the present application is not proper. Due to such amendment, the nature of the suit will be changed. Plaintiff could not change in verification. Hence, defendant No.3 has prayed to reject the application.

5. Having heard both side at length and having considered the plaint and documents on record, following points arises for my consideration. I have recorded my findings thereon for the reasons recorded thereunder.

Sr. No.	Points	Findings
1.	Whether proposed amendment is essential ?	Yes.
2.	What order ?	As per final order.

R E A S O N S

AS TO POINT No.1 & 2:-

6. Considering the contentions of both sides and on perusal of record, it appears that, initially, plaintiff Bank instituted this suit by filing the plaint through its then constituted power-of-attorney holder Rajendra Pandharinath Kulkarni. During the pendency of the suit, Zonal Office of plaintiff Bank issued authority letter dated 25/10/2024, whereby D. Damodar has been authorize to proceed further with the proceedings.

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(Order below Exhibit 23)

7. Plaintiff Bank has produced the xerox copy of the Authority Letter along-with list Exhibit 25 on record. A perusal of Authority Letter it can be seen that, D. Damodar, who is presently working as Branch Manager Kharsundi Branch has been authorized to proceed further with the proceedings before all Civil Courts at Sangli.

8. The fact is that, the earlier power-of-attorney holder have been validly instituted the suit in pursuance of the authority.

9. Such course of change of power-of-attorney holder is permissible under law, as plaintiff is a corporate personality.

10. In view of the Authority Letter dated 25/10/2024 along-with list Exhibit 25 executed in favour of D. Damodar it can be seen that, he got authority to continue the suit.

11. Therefore, additional name of current authority holder is to be inserted with specific clause that, authority to continue the proceedings since from the date of this order in view of authority letter dated 25/10/2024.

12. The proposed amendment is bona-fide and no nature of proceeding would change, if the proposed amendment is allowed. Therefore, in order to avoid multiplicity of proceeding and to decide the matter on merit, it will be just and proper to grant permission to plaintiff to carry out the amendment in the title clause of plaint,

in respect of subsequent authority person. Resultantly, I record the answer to points under consideration and following order is passed.

ORDER

1. The application Exhibit 23 is allowed.
2. The plaintiff is permitted to carry out amendment in the plaint as sought within stipulated period or till next date.
3. As per the Authority Letter dated 25/10/2024, the authority holder D. Damodar is permitted to continue the proceedings from the date this order.
4. Costs in cause.

Vita.

Date: 24/04/2025

(Dnyaneshwar S. Patale)

Jt. Civil Judge Senior Division, Vita.

I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : S. P. Pethkar.

Court : Jt. Civil Judge Senior Division, Vita.

Judgment/Order signed by

the Presiding Officer on : 24/04/2025.

Judgment/Order uploaded on : 25/04/2025.