

**-: ORDER BELOW EXH.23 IN R.C.S. 44/2023 :-**

The Learned Advocate for the plaintiff has filed this application under Order III, Rule 2(a) of the Code of Civil Procedure, 1908 for seeking permission to appoint the Rajendra Dinkar Pawar as a general power of attorney for the plaintiff.

**02]** Perused the record and proceeding. Heard Learned Advocate for the plaintiff and defendants, considered their submissions.

**03]** The Learned Advocate for the plaintiff urged that the plaintiff Smita Rajendra pawar, is unable to remain present on every scheduled dates in the present matter. Thus, the plaintiff has executed a general power of attorney in favour of Rajendra Dinkar Pawar (i.e. her husband) to conduct the proceedings in this matter. Therefore, the present application has filed to sought permission for appointing to the Rajendra Dinkar Pawar to be a power of attorney for the plaintiff in the suit. Hence, the plaintiff has prayed that Rajendra Dinkar Pawar be appointed as the general power of attorney holder on her behalf to do all acts required in pursuant to the present suit proceeding.

**04]** Per contra, the Learned Advocate for the defendants No. 01 and 02 resisted the present application. They submitted that as per the judgment of the Hon'ble

Supreme Court, Rajendra Dinkar Pawar cannot be examined himself on behalf of the plaintiff and it was submitted that the Hon'ble Court may pass a just and proper order on the said application.

**05]** Before coming to the facts of the case, it is necessary to mention the provision enshrined under Order III, Rule 2(a) of the Code of Civil Procedure, 1908, as follows:-

*2. Recognized agents :- The recognized agents of parties by whom such appearances, applications and acts may be made or done are: (a) persons holding powers-of-attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;*

In terms of Rule 2 of Order III of the Code of Civil Procedure, 1908, the recognised agents of the parties by whom such appearances, applications and acts may be made or done are the persons holding Powers of Attorney, authorising them to make and do such appearances, applications and acts on behalf of such parties

**06]** On perusal of Exh.24/1, it depicts that the plaintiff has executed the power of attorney in favour of her husband namely Rajendra Dinkar Pawar. Due to the illness

of the plaintiff, she is unable to attend the regular Court proceedings.

**07]** Therefore, considering the facts mentioned in the present application and in view of provisions enshrined under Order III, Rule 2(a) of the Code of Civil Procedure, 1908 appointment of the general power of attorney holder seems necessary. Furthermore, the power of attorney holder being husband of the plaintiff, is duly authorized vide power of attorney at Exh.24/1 to make and do such appearances, applications and acts on behalf of the plaintiff in the present suit. Consequently, in the interest of justice the present application deserves to be allowed. Hence I pass following Order:-

**:- ORDER :-**

The application at Exh 23 is hereby allowed.

Date:- 04/07/2025.

Place:- Jamkhed.

**Sd/-**

**(Anushri B. Phand)**

Jt. Civil Judge Junior Division,  
Jamkhed.