

**IN THE COURT OF DISTRICT JUDGE-3, AKOLA.**

**Order Below Exhibit 13**

**In**

**M.J.C. No. 33/2019**

|                                   |             |
|-----------------------------------|-------------|
| Pandurang Baliram Chavhan         | Applicant   |
| V/s.                              |             |
| Smt. Radhabai Vishnu Wakte & Ors. | Respondents |

|       |                                                                      |
|-------|----------------------------------------------------------------------|
| Coram | : Shri D.B.Patange<br>District Judge-3, Akola.<br>Date : 24/10/2019. |
|-------|----------------------------------------------------------------------|

**Oral Order :**

1] By this application, the respondent No. 1 is seeking indulgence of the Court for grant of permission to file reply by setting aside the ex-parte order. It is contended that due to unavoidable circumstances, the reply was not filed but the respondent is willing to file the same today. Hence, the application.

2] The applicant has opposed the application by filing reply on the application itself and submitted that the respondent No. 1 is represented by his attorney holder but power of attorney or relevant document is not filed with vakalatnama. As such, the applicant prayed for rejection of the application.

3] Heard both sides. Perused the record.

4] Considering submissions made before me, nature of prayer

in this application, it reveals that the deed of power of attorney to represent respondent No. 1 by Gopal Wakte seems to be not filed on record. As such, there appears to be no document that the said Gopal was allowed to be represented by respondent No. 1. However, it appears that the respondent No. 1 appears to be the mother of Gopal Wakte. As such, in view of reasons and considering the facts and circumstances of the case the reply of respondent No. 1 may be allowed to be taken on record, by setting aside the order impugned in this application, provided the same shall be annexed with the deed of power of attorney. Hence, the following order-

**ORDER**

|   |                                                                                                                                                                                                 |
|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Application is allowed, subject to cost of Rs. 200/- as under-                                                                                                                                  |
| 2 | The reply of respondent No. 1 is allowed to be taken on record, by setting aside the order impugned in this application, provided the same shall be annexed with the deed of power of attorney. |

Sd/-

( D.B. Patange )  
District Judge-3, Akola.

Date : 24/10/2019.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file are same word for word as per the original.

|                  |   |                          |
|------------------|---|--------------------------|
| Name of Steno    | : | Smt. J.A.Morey           |
| Court name       | : | D.J.- 3 & A.S.J., Akola. |
| Date             | : | 24.10.2019               |
| Signed by P O on | : | 24.10.2019               |
| Uploaded on      | : | 24.10.2019               |