

Regular Civil Suit No.80/2012.

Order below Exh.75.

(Passed on 16.09.2022)

1. The defendant Nos.2 and 4 have filed this application to lead evidence through their power of attorney.
2. It is their contention that the power of attorney of defendant Nos.2 and 4 in the name of Dilip Sitaram Nagare is filed on the record and the power of attorney holder i.e. Dilip Nagare wants to lead evidence on behalf of defendant Nos.2 and 4. Hence, for the permission of the court, they have filed this application.
3. The plaintiff has filed his say on the backside of the application. It is his contention that the said power of attorney was executed for the proceeding in Niphad court and hence, the plaintiff has objection to file that power of attorney in this court.
4. Heard both sides.
5. The defendant Nos.2 and 4 have filed their power of attorney in the court below list Exh.73. I have gone through the power of attorney. It was executed by Sitama Nagare and Savitribai Nagare in favour of Dilip Nagare. It is mentioned in the power of attorney that in a suit relating to the land Gat Nos.91, 173/1 and 181/1 situated in Mahalkhede, Tal. Yeola, Dist. Nashik, Dilip Nagare was appointed as a power of attorney holder which is filed in Niphad court.
6. Ld. Adovcate of the plaintiff has submitted that as the power of attorney was executed for the proceeding before the Niphad Court, it cannot be used in the proceeding before the Yeola Court.
7. I have gone through the record and proceeding in R.C.S. No.80/2012. Initially, the said suit was filed before the C.J.S.D., Niphad Court. But due to the Government notification dated 04.01.2012 and District Court order dtd. 16.01.2012, the present suit was transferred from C.J.S.D., Niphad to C.J.J.D.

Yeola Court by way of order dtd. 10.02.2012. The plaint shows that the suit was filed on 09.06.2011 as Spl. Civil Suit. I have gone through the power of attorney dtd. 28.12.2011. By way of this power of attorney Sitaram Nagare and Savitribai Nagare have appointed Dilip Nagare as their power of attorney holder for contesting the suit relating to the Gat No.91, 173 and 181/1 which is filed at Niphad Court.

8. The Civil suit was filed on 28.12.2011 in C.J.S.D. Niphad. The power of attorney of defendant Nos.2 and 4 was executed on 28.12.2011. Thus, it is clear that this power of attorney was prepared only for the purpose of this suit. But due to the Government notification and the order of District Court Nashik as mentioned above, the Civil Suit filed before Niphad court was transferred to Yeola Court. The defendant Nos.2 and 4 or their power of attorney cannot anticipate that in future the suit will be transferred in another Taluka. The defendant Nos.2 and 4 wanted to use their power of attorney for the same suit which was subsequently transferred to the Yeola Court, though it is prepared for the suit pending in Niphad court. Hence, as the suit was transferred from Niphad to Yeola and as the defendant Nos.2 and 4 wanted to use their power of attorney for the same suit, which was transferred from Niphad to Yeola. It is necessary to permit the power of attorney holder to lead evidence for and on behalf of defendant Nos.2 and 4 in the present suit as well. Hence, I pass the following order :-

ORDER

1. Application is allowed.
2. The power of attorney holder is permitted to lead evidence on behalf of defendant Nos.2 and 4.

Place : Yeola.
Date : 16.09.2022.

(M. S. Ligade)
Civil Judge, Junior Division, Yeola.
Yeola.

CERTIFICATE

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer	:	P. A. Bargal (L.G. Stenographer)
Name of the Court	:	Shri. M. S. Ligade, C.J.J.D., Yeola, Dist. Nashik.
Date of Order / judgment	:	16.09.2022.
Order / judgment signed by		
Presiding officer on	:	16.09.2022.
Order / judgment uploaded on	:	16.09.2022.