

MHRT080000052018**ORDER BELOW EXH. 105****IN R.C.S. 2-2018**

By way of this application, plaintiff has sought permission to lead evidence affidavit through POA holder of plaintiff. It is contended that plaintiff had filed evidence affidavit on 19-02-2021. However, due to high blood pressure, he may not depose in court. Hence, he wants to appoint his son as POA holder. Hence, permission is sought.

02. On this application, say of other side was called. It is stated that application is false. No medical evidence is filed for the reason quoted. As per settled position of law, POA holder cannot lead evidence. Hence, application be rejected.

03. Heard both. Perused record. It is settled that Hon'ble Supreme Court explained in a recent judgment that a Power of Attorney holder can only depose about the facts within his personal knowledge and not about those facts which are not within his knowledge or are within the personal knowledge of the person who he represents. In the case in hand, Ld. Adv. S.C. athlye for the plaintiff submitted that he would not examine plaintiff further after evidence of his POA. However, there appears no amendment in Exh. 1 that the plaintiff is contesting suit through his POA. Hence, as the suit is pending for evidence, allowing the application may

not cause serious prejudice to other side as they would get equal opportunity to cross examine him. Hence, in view of above discussion, I pass following order;

ORDER

1. Application is allowed.
2. Plaintiff shall amend the suit before leading evidence through POA.

sd/-

Date – 14/11/2024
Place – Deorukh

(Shruti H. Patil)
Jt. CJJD, Deorukh

CERTIFICATE

order in R.C.S. no. 2/2018 exh. 105

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

Name of the Stenographer : T. N. Khade (Jr. Clerk)

Court name : Jt. Civil Judge, J. D. and J.M.F.C., Deorukh.

Date : 14/11/2024

Order signed by the presiding officer on : 14/11/2024

Order uploaded on : 14/11/2024