

Order below Exh. 38 in R.C.S. No. 59/2019
(CNR No. MHRT080005502019)

01. The plaintiff bank contends that, it has authorized Mr. Mukund Shripad Khandekar to represent it. Accordingly, a power of attorney is executed in favor of said Mukund Khandekar. As various suits and proceedings are instituted by the bank against different persons, it is not possible to produce original power of attorney in a particular case. It is contended that, copy of the said power of attorney is already filed on record at Sr. No. 14 of list of documents below Exh. 05.

02. The plaintiff bank has applied to this Court for verifying the copy from the original. It is verified accordingly. Thus, now, said verified copy shall be verified from the original, contends the bank.

03. The defendant filed reply. It is submitted that necessary order may be passed.

04. Heard learned advocates for the parties. Perused the record.

05. There is no dispute that the bank has instituted various suits of same nature against different persons. There is also no dispute that single power of attorney is issued by the bank in favour of its attorney Mudund Shripad Khandekar. Thus, it is apparent that the plaintiff bank is not able to produce said document in a particular case. If it is so done, there would be delay in conduct of other suits and proceedings.

06. Moreover, the copy produced is earlier verified by Assistant Superintendent of this Court. Now, when the document is sought to be admitted in evidence, it shall be clear as to which document is verified on basis of which alleged original document. In light of given circumstances, the plaintiff bank can adduce secondary evidence about said document. Thus, it would be just to direct that the attorney of the bank who has filed his affidavit in examination-in-chief may be further orally examined in chief to the extent of proving the copy of document of POA. The

attorney can further be directed to keep with him original document when he would be so further orally examined in chief and cross-examined. The other side can be given an opportunity to access and look into said original document, during such examinations. In this way, the copy produced on record can be verified and appropriate opportunity can also be afforded to other side. In view of such further oral chief-examination and after hearing both sides, the decision for admitting in evidence or otherwise, to the copy of document of POA, would be made. Hence, in the interest of justice, I pass following order -

ORDER

1. The plaintiff bank may further orally examine-in-chief its POA Mukund Shripad Khandekar.
2. For purpose of such further oral examination-in-chief, the said POA Mukund Khandekar shall bring with him original document of POA.
3. In view of such further oral examination and after hearing both sides, the decision for admitting in evidence or otherwise to the copy of document of POA would be made.
4. If the copy of document of POA is admitted in evidence, the witness shall bring with him original document of POA at the time of and for purpose of his cross-examination too.
5. During such further examination-in-chief and during cross-examination of attorney of the bank, other side shall be entitled to look into and have access to the original document.
6. Present application is disposed of in aforesaid terms.

Dated: 05/07/2024

(B. D. Tare)
Civil Judge Junior Division
Deorukh

- : C E R T I F I C A T E : -

I affirm that the contents of this Pdf file order are same word as per original order.

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date of decision	:- 05/07/2024
Order signed by PO. on	:- 05/07/2024
Order uploaded on	:- 05/07/2024