

SPECIAL CIVIL SUIT NO.264/2015

[Order Passed Below Exh.76]

[Sahyadri Starch & Industries Pvt. Ltd. vs. Ramnath Shankar Shinde etc.19]

Perused the application and say. Heard both the sides. It is pertinent to note that, in this matter, defendant No.5 appeared as a third party through Advocate Sou. S.N. Shinde. That application was allowed and plaintiff has carried the amendment and added third parties among them, Smt. Lakshmibai Namdev Ghodake became array of defendant No.5. Thereupon, matter posted for filing of written statement and reply by the newly added defendants. Today, defendant Nos.7 to 17 and 19 filed their common written statement vide Exh.78. Defendant No.18 filed his written statement vide Exh.73. The Ld. Counsel of defendant No.5, instead of filing written statement of Smt. Lakshmibai, filed the instant application with prayer to withdraw her Vakalatnama on behalf of her. Towards the compliance, Advocate Sou. S.N. Shinde issued notice to Smt. Lakshmibai as well as her power of attorney holder Avinash Namdev Ghodake, as per Bar Council's laws.

The notice issued to Smt. Lakshmibai Namdev Ghodake returned back to the Advocate with endorsement of refuse and notice issued to the power of attorney holder Avinash Ghodake returned back with the endorsement as “address not found”. It is pertinent to note that, plaintiff has carried out the amendment and added defendant No.5 through power of attorney holder namely Avinash Namdev Ghodake. It is pertinent to note that, the defendant cannot be addressed through power of attorney. Therefore, plaintiff is directed to delete the name of

power of attorney holder Avinash Namdev Ghodake from the recital clause of the plaint by carrying out the amendment to that effect. However, so far as withdrawal of Vakalatnama and the prayer of this application is concerned, it is allowed. Advocate Sou. S.N. Shinde is permitted to withdraw her Vakalatnama on behalf of defendant No.5. In that respect, as defendant No.5 added in the recital clause of the plaint, it is warranted to issue suit summons to her on the given address. Therefore, plaintiff is directed to comply the order and in that regard, separate order of issuance of suit summons going to be passed on Exh.1.

sd/-

(V.K. Umale)

6th Jt. Civil Judge, Sr. Dn., Sangli

Sangli

Dt.25.02.2019