

ORDER BELOW EXH. 45 IN R.C.S. NO. 30/2014.

CNR NO. : MHST07-000197-2014

01. This is an application for verification of record of plaintiff company filed by the defendant nos. 1 and 2.

02. In the instant suit, it is the contentions of defendant nos. 1 and 2 that plaintiff company attorney holder and director Mukund Kadam had filed a false affidavit. He has no locus standi to filed the instant suit. The power of attorney is a false document. Mukund Kadam is not the director of plaintiff company. The statement of payment of amount in IFCI Bank as well as in Provident Fund is false The company never had filed balance-sheet. Thus, it was argued on behalf of defendant nos. 1 and 2 that Dy. S.P. Karad be appointed to verify the documents of the company. On the other hand, it was argued on behalf of plaintiff company that, they have never filed false document nor made any false statement. It is the duty of plaintiff to prove the suit. There is no provision of verification through police. Hence, the present application is not maintainable.

03. Perused record. In the instant suit on the basis of power of attorney plaintiff was appointed as attorney holder for company. On 11.04.2012 he was appointed as Additional Director of the company. Thereafter, on the basis of power of attorney and resolution passed by company Mr. Mukund Kadam had filed the present suit on behalf of plaintiff company. For adjudication of the suit it is necessary to verify the documents adduced on record by

plaintiff company. The requisite documents which are necessary to be submitted in ROC's by Additional Director are complied or not needs to be verified. The statements in plaint of plaintiff company also need to be verify on the count of existence of company having registered office at Ogalewadi, Karad. The amount paid in Provident Fund as well as IFCI Bank also needs to be verified. Thus, these would help to verify the certain facts brought on record by plaintiff company and for adjudication of the suit. No doubt, the plaintiff company has to prove it's case, however the statements made on oath on behalf of plaintiff company needs to be verified as application has been filed by defendant no. 1 for taking cognizance of the matter by way of investigation. In these circumstances it would be proper to appoint a government authorized company secretary to verify the status of plaintiff company as per the point nos. 1 to 5 mentioned in the application. Hence, application is liable to be allowed. In the result, I pass the following order :-

ORDER

- (01) Application Exh.45 is allowed.
- (02) Government authorized company secretary is appointed to verify the point nos. 1 to 5 mentioned in the application and submit the report at the earliest.
- (03) Parties to suggest the name of Government authorized company secretary if any.

(04) Defendants to bear the fees of Government
authorized company secretary

Date :- 11-01-2018.

(R. T. Ghogle)
2 nd Jt. Civil Judge J.D., Karad.