

Civil M.A.No. 33/2016
Ashfaq v. Shaikh Mehmood
MHWS010006672016

Order below Exh.40

Applicant has filed present application for grant of permission to issue notice through registered post to respondent no.4 and 6.

2. Applicant submitted that the N.A.no.3 appeared and filed the application wherein it transpired that no one is representing the trust and as the surviving respondents no.2 and respondents no.6 are not contesting the matter and not appearing before this Court and from the date of filing of present petition till today, it appears that the respondent no.2 and respondent no.6 did not appear even on single date and therefore, it is necessary to issue notice through registered post to respondent no.2 and 6 as the power of only respondent no.1 was filed in 2019 below Exh.20 by his counsel and after his death the power of respondent no.2 and 6 appears to be filed in 2023 below Exh.24 which is required to be verified as per the application filed by respondent no.3 and therefore, in order to contest the matter on merits it is necessary to issue notice to respondent no.2 and 6 by registered post.

3. The respondent no.4 and 6 filed their say overleaf the application and opposed the application on the ground that the contention raised in application at Exh.44 more particularly in

para no.2 and 3 be treated as reply to the present application. The MJC filed under section 72 of MP Act, the said statute is one of the self contained cod that the framework of the statute does not mandate the personal physical presence of any respondent. The vakalatnama executed in favour of learned advocate N.T. Gawande is still valid, subsisting and in force. So such authorisation cannot be questioned challenged as the instance of appellants only to satisfy the wish and whim of the appellant hence, application deserves to reject with cost of Rs.5,000/-

4. Heard, learned counsel for appellant and learned counsel for respondent no.4 and 6. It appears that learned advocate Shri.N.T.Gawande has been continuously representing non applicant no.4 and 6 before this Court. It also appears that the vakalatnama executed in favour of the learned advocate Shri.N.T.Gawande is still valid subsisting and in force. Learned counsel Shri. N.T.Gawande has neither been withdrawn his power expressly or impliedly nor has any other counsel been appointed in substitution thereof. Thus, the authority and continuation of learned advocate Shri.N.T.Gawande cannot be questioned, challenged. Hence, I pass the following order.

ORDER

Application is filed.

Date : 07/02/2026

(V.D.Ingle)
District Judge 2, Washim.

CERTIFICATE

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

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.V.D.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 07/02/2026
Judgment/Order signed by the Presiding Officer on	:- 07/02/2026
Judgment/Order uploaded on	:- 07/02/2026