

Mr. Simil Purohit a/w. Mr. Manish doshi i/b. Vimadalal & Co. for Petitioners.
Mr. Yatin Shah a/w. Ms Aditi Bhat for Respondents.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 03, 2015

P.C. :

Heard Mr. Purohit, learned Counsel for petitioners and Mr. Shah, learned Counsel for respondents.

2. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the order dated 17.09.2013 passed by the learned 4th Joint Civil Judge, Junior Division, Ulhasnagar below exhibit-182 in Regular Civil Suit No.465 of 1994. By that order, the learned trial Judge rejected the application made by the petitioners for taking Vakalatnama filed by Manjeet Kaur Nile representing as Power of Attorney Holder of defendants No.3 and 4 on record and observed that the issue of legality and validity of Power of Attorney requires detailed investigation and inquiry and for that purpose, evidence is required to be led. It cannot be concluded at this stage that the said Power of Attorney is false and fabricated. The learned trial Judge accordingly kept that issue open for deciding it at the the time of adjudication of the Suit.

3. In pursuance of the order dated 17.10.2015, defendants No.3 and
4, who are respondents No.2 and 3 respectively herein have tendered
affidavits dated 03.12.2015. They are also present in the Court. They have

tendered photocopies of the identity cards. Respondents No.2 and 3 state that they have executed a Power of Attorney in favour of Manjeetkaur K. Nile. Ms Manjeetkaur Kashimirsingh Nile is also present in the Court. She has also tendered a photocopy of PAN Card. Affidavits made by respondents No.2 and 3 herein are taken on record and marked “X colly.” for identification. Photocopies of the identity cards of respondents No.2 and 3 as also of Ms Manjeetkaur K. Nile are taken on record and marked “Y colly.” for identification.

4. In view thereof, Mr. Purohit, upon taking instructions, seeks permission to withdraw the Petition.

5. On the motion made by Mr. Purohit, Petition is allowed to be withdrawn. All contentions of the parties on merits are expressly kept open.

(R. G. KETKAR, J.)

Minal Parab