

dik

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

NOTICE OF MOTION NO. 1150 OF 2015

**IN
SUIT NO. 893 OF 2004**

M/s Sasangi Engineering (Bombay) Pvt. Ltd.	...Applicant
In the matter between	
M/s P.H.Jain	...Plaintiff
VS	
M/s Sasangi Engineering (Bombay) Pvt. Ltd.	...Defendant

.....

Mr Chetan Yadav i/b M/s Ram & Company for the Plaintiff
Mr Cyrus Ardeshir a/w Krishna Baruah i/b M/s Legasis Partners for the Defendant
/ Applicant in Notice of Motion.

.....

CORAM : S.C. GUPTE, J.

DECEMBER 03, 2015

P.C. :

This Notice of Motion seeks an order for striking off the written statement dated 23 June 2014, filed by the original Plaintiff to the counter-claim filed by the Defendant in the main suit. The application is on the footing that on the date of declaration of the written statement, i.e. 23 June 2014, the person declaring the written statement was not a partner of the Plaintiff firm. (The deponent retired on 21 March 2010.) In reply, the deponent of the written statement as well as the person, who is an admitted partner of the Plaintiff firm, has filed an affidavit explaining that under the power of attorney issued by partners of the Plaintiff firm, the deponent had the power to declare and file the written statement. It is submitted by the applicant in the Notice of Motion that, that power of attorney was issued on 1 November 2014, i.e. much after the date of declaration of written statement on 23 June 2014. Anyway, without going into all these aspects, I think it fit to allow a re-verification of the written statement by any partner of the plaintiff firm, or the deponent himself on the basis of the Power of Attorney dated 1 November 2014. Such re-verification to be carried out within a

period of two weeks from today. The Notice of Motion is disposed of accordingly. The other Motion, which is for marking of additional documents, will be taken up for hearing on 16 December 2015.

(S.C.GUPTE J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/ Order.