

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CR 185 of 2015

Date of Decision: March 24, 2015

M/s Shiv Hari Texo

.....Petitioner

Vs.

M/s Mangal Jyoti Textile

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Vikram Singh, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Plaintiff- petitioner is aggrieved by the order annexure P-4 dated November 17, 2014 passed by Civil Judge (JD), Panipat, dismissing an application under Section 151 CPC filed by the plaintiff- petitioner for declaring all the proceedings on behalf of the defendant - respondent as illegal, invalid and defective on account of defective power of attorney by the Advocates Mr. Ankit Kumar Mukhija and Mr. Vijay Kumar Manuja on behalf of defendant- respondent. It was averred that the power of attorney filed on behalf of defendant- respondent dated July 26, 2012 was signed by Advocate Sh. Ankit Mukhija whereas the name of the counsel in the power

of attorney was mentioned as Sh. Vijay Kumar Manuja as Advocate engaged for defendant- respondent. The application has been dismissed by the trial Court on the ground that the written statement filed is actually signed by the defendant and by Advocate Sh. Vijay Kumar Manuja alongwith Sh. Ankit Mukhija and a fresh power of attorney has also been filed by defendant admitting the engagement of Sh. Vijay Kumar Manuja and Sh. Ankit Mukhija as their Advocates. The validity of the order dated November 17, 2014 has been questioned through instant revision petition on the ground that it is essential to mention the name of the counsel as well as client in the power of attorney at proper place in the columns left in the vakalatnama and that on account of said defect in power of attorney, all the proceedings conducted on behalf of the defendants were invalid and defective.

After considering the facts and circumstances of the case, I do not find any ground to interfere in the well reasoned order passed by the trial Court in declining to allow the application under Section 151 CPC by exercising the discretion vested in it.

Dismissed.

March 24, 2015
sanjay

(M.M.S.BEDI)
JUDGE