

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 CRA NO. 55 OF 2016

SAU. SUMANBAI MADHUKARRAO UGALE AND OTHERS
VERSUS
SUDHIR JAGANNATH MAHAJAN

Shri. Swapnil S. Patil, Advocate, for applicants.

Shri. Pramod P. Dhorde, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 30 JUNE 2016

ORDER:

1) Heard both sides. The proceeding is filed to challenge the order made by the trial Court on application made by the present petitioner, defendant, under provision of Order 32 Rule 2 of the Civil Procedure Code. He had contended that the power of attorney holder has given evidence that the plaintiff has become mentally sick and so the power of attorney has deposed. In view of this circumstance the application was filed that the suit itself was not tenable as the suit was filed by unsound mind person. This point is decided by the trial Court against the defendant.

2) On instructions today learned counsel for the petitioners submits that he would like to argue the point of the competency of the General Power of Attorney holder at the end, during arguments on merits of the case itself and subject to that the proceedings may be disposed.

3) The civil revision application is disposed of as withdrawn with aforesaid liberty.

Sd/-
(T.V. NALAWADE, J.)

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