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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 1282/2016

RAM LAL LADWAL Petitioner
Through Mr.Ajit Rajput, Advocate

versus

BSES YAMUNA POWER LTD & ANR Respondent
Through Mr.Sandeep Prabhakar Adv. for R-1
Mr.Rahul Sharma, Adv. for R-2

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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19.12.2016

CM No.46055-56/2016 (*exemption*)

Allowed subject to all just exceptions.

CM No.46057/2016 (*delay*)

By the present application filed under Section 151 of the CPC, the petitioner seeks condonation of delay of 32 days in re-filing the present petition.

For the reasons stated in the application, the same is allowed and the delay of 32 days in re-filing the present petition is condoned.

CM(M) 1282/2016

1. By the present petition filed under Article 227 of the Constitution of India, the petitioner seeks to challenge the order dated 20.08.2016 by which an appeal filed by the petitioner was dismissed.

2. The grievance of the petitioner is that the person who is the attorney of respondent Sh.Pawan Kumar Mahur, Assistant Manager, Legal Manager

of the respondent company does not have a valid power of attorney.

3. The appellate court noted firstly that against the order of the trial court no appeal is maintainable. Further copy of the power of attorney in favour of Sh.Pawan Kumar Mahur is on record. There is no basis for the appellant to challenge such authority of Sh.Pawan Kumar Mahur. Similarly, power of attorneys of other representatives of the respondent company are also on record. The trial court hence dismissed the appeal.

4. In my opinion, there are no reasons to differ with the view of the learned appellate court. The present petition is dismissed.

5. The learned counsel for the respondents submits that the decretal amount has already been deposited in court.

JAYANT NATH, J.

DECEMBER 19, 2016/v