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

+ C.RULE No. 2/2017

HAGEJA

..... Petitioner

Through: None.

versus

KOSTJA

..... Respondent

Through: Mr. Rahul Mehra, Sr. Standing Counsel (Civil), Mr. Gautam Narayan, ASC, Mr. R.A. Iyer, Mr. Shatrajit Banerji, Advs. for GNCTD along with Mr. Rajinder Kumar Ahuja, SDM (Vivek Vihar).

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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01.05.2017

1. This Civil Rule was registered on receipt of letter dated 27th February, 2017 from the Department of Legal Affairs, Ministry of Law & Justice, Government of India forwarding therewith a letter of request bearing Reference No.12-2/363-2 dated 26th January, 2017 from the Ministry of Justice, Republic of Estonia along with request of Harju County Court Estonia, to, in accordance with the Hague Convention dated 18th March, 1970, take evidence abroad in Court Case No.2-16-16712 and requesting the assistance of this Court in recording the statement of Mr. R.H. Ahuja regarding competency to execute authentication of power of attorney issued in India by Igor Tepljasin's daughter Inga Hagberg resident of House No.6/18, First Floor, Shanti Niketan, New Delhi-110021.

2. Notice was issued to Mr. Rahul Mehra, Senior Standing Counsel for Government of National Capital Territory of Delhi, who, after making

enquiries, has today in Court handed over the affidavit of Mr. Rajinder Kumar Ahuja, Sub-Divisional Magistrate (SDM), Vivek Vihar, Government of National Capital Territory of Delhi (which is taken on record) deposing (i) that the Ministry of External Affairs under the Hague Convention of 5th October, 1961 attests original documents / true copies of documents for use abroad; (ii) the procedure for authentication requires authentication by the designated authority of the State / Union Territory from where the documents have been issued and which authorities are referred to as the Regional Authentication Centres (RACs); (iii) in the case of National Capital Territory of Delhi, the RACs includes the office of the SDM in Delhi; a copy of the circular issued by the Ministry of External Affairs in this regard is annexed to the affidavit; (iv) that Mr. Rajinder Kumar Ahuja as SDM was thus competent to authenticate the Power of Attorney of Ms. Inga Hagberg, resident of House No.6/18, First Floor, Shanti Niketan, New Delhi in favour of Mr. Igor Tepljasin; (v) that for the purpose of authentication of the document Mr. Rajinder Kumar Ahuja relied on the notarisation of the documents effected by Notary Public; (vi) Ms. Inga Hagberg had not signed the Power of Attorney in the presence of Mr. Rajinder Kumar Ahuja but Mr. Rajinder Kumar Ahuja, prior to authentication of the Power of Attorney, sought for production of documents so as to verify the identity of the executant; (viii) that on 5th October, 2016 Ms. Inga Hagberg appeared in person before Mr. Rajinder Kumar Ahuja and produced a copy of her passport along with original; a copy of her stay visa and a copy of the certificate of the Acting Consul of the Embassy of Estonia in New Delhi and authenticated the documents in the presence of

Mr. Rajinder Kumar Ahuja; (ix) Mr. Rajinder Kumar Ahuja after satisfying himself that the signatures of Ms. Inga Hagberg matched with the signatures on the Power of Attorney sought to be authenticated, authenticated the same; (x) Mr. Rajinder Kumar Ahuja also found Ms. Inga Hagberg to be of sound and legal capacity and will; (xi) and, Ms. Inga Hagberg also informed Mr. Rajinder Kumar Ahuja that she was executing Power of Attorney in favour of her father as she was currently residing in India with her husband who was employed here.

3. Mr. Rajinder Kumar Ahuja, SDM is also personally present in the Court and affirms the contents of his affidavit.

4. On the basis of the aforesaid affidavit of Mr. Rajinder Kumar Ahuja, SDM, I am satisfied that Mr. Rajinder Kumar Ahuja, SDM was competent to execute authentication of Power of Attorney dated 5th October, 2016 executed by Ms. Inga Hagberg in favour of Mr. Igor Tepljasin and has in his affidavit explained the process of authentication.

5. Civil Rule is thus closed.

6. A copy of this order along with the copy of the affidavit aforesaid of Mr. Rajinder Kumar Ahuja, SDM be forwarded to the Assistant Legal Advisor (Judicial), Government of India, Ministry of Law & Justice, Department of Legal Affairs (Judicial Section) in response to letter dated 27th February, 2017.

RAJIV SAHAI ENDLAW, J

MAY 01, 2017

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