

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO.12662 OF 2019

Sopan Balkrushna Patil

... Petitioner

Versus

Pranali Vinod Suryawanshi and Anr.

...Respondents

Mr. N. J. Patil i/b Mr. A. N. Patil, for the Petitioner.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th DECEMBER, 2019

P.C. :

1. Heard learned counsel for the Petitioner.
2. By this Petition, the Petitioner has impugned the order dated 12th April, 2019, passed by the learned IV Joint Civil Judge Junior Division, Sangli, below Exhibit – 53, in R.C.S. No.979 of 2012, by which, the Respondents (original plaintiffs) application to place on record the original power of attorney dated 25th September, 2012 was allowed.
3. Learned Counsel for the Petitioner submits that the Respondents (original plaintiffs) despite having an opportunity to produce

the original power of attorney during the course of the trial, did not produce the same. He submits that the learned Judge has erred in law in allowing the said application, by allowing the original power of attorney on record.

4. Perused the papers. The record shows that a verified xerox copy of the original power of attorney dated 25th September, 2012 was already placed on record by the Respondents – Plaintiffs. It appears that as the Respondents (original plaintiffs) were in need of the original power of attorney in different Courts in conducting the revenue matters, the said original power of attorney was not placed on record. The Petitioner (original defendant) was well aware of the power of attorney made by the Respondents – Plaintiffs and had even put question to the Respondents – Plaintiffs, in cross-examination. The learned Judge has rightly observed that the verified power of attorney and the original power of attorney are identical and that the said power of attorney was well within the knowledge of the petitioner – defendant. The learned Judge further observed that it was a technical error and due to the other proceedings pending between the parties, the said original power of attorney was not placed on record. No prejudice is caused to the petitioner – defendant by bringing the original power of attorney on record, which is already in existence since the beginning.

5. There is no infirmity or perversity in the impugned order.
6. The Petition is accordingly dismissed.

REVATI MOHITE DERE, J.