

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

CIVIL REVISION APPLICATION NO. 359 OF 2022

M/s. Rainbow Corporation and ors.	 Applicants
v/s.	
Smt. Kavita Kishor Koli and ors.	 Respondents

Mr. Anil Sakhare, Sr. Advocate a/w. Prashant Chawan
i/b. Navdeep Vora and Associates for the Applicants.
Mr. Sandeep Mishra for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 17th AUGUST, 2022.

P. C. :-

1. The Applicants herein have challenged the order dated 13/04/2022 whereby learned 5th Joint Civil Judge, Senior Division, Thane has dismissed the Application filed by the Applicants under Order 7 Rule 11 of CPC. The Applicants who are the defendant nos. 3A and 3B in the suit had sought rejection of the plaint mainly on the ground that though the suit was filed by Ramesh Katke in his capacity as a holder of power of attorney, the power of attorney executed by the plaintiffs in his favour was not filed along with the plaint.

2. The records reveal that the plaintiffs had executed a power of attorney in favour of Kashinath Koli who was authorized to further

delegate power in favour of any other person. The power of attorney Kashinath Koli accordingly executed power of attorney in favour of Ramesh Katke inter alia authorizing him to file the suit. The said power of attorney was executed much prior to the filing of the suit. It is true that said Ramesh Katke had not annexed the power of attorney along with the plaint. Nevertheless, he has produced it subsequently and has thus rectified the defect, if any. Even otherwise, the plaint could not have been rejected on such ground. The Petition has no merits and is accordingly dismissed.

**PREETI
H JAYANI**

Digitally signed
by PREETI H
JAYANI
Date: 2022.08.20
16:41:32 +0530

(SMT. ANUJA PRABHUDESSAI, J.)