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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 845 OF 2022**

Sou Shashikala @ Akkatai Babaso Chougule .... Petitioner.

V/s

Raju @ Rajgonda Devgonda Patil and Ors. .... Respondents.

Mr. Manoj A. Patil for the Petitioner.

Mr. Sandeep Koregave for the Respondent.

**CORAM: NITIN W. SAMBRE, J.**

**DATE: APRIL 01, 2022**

P.C.:-

1] Respondent No.1/Plaintiff initiated a suit for declaration in relation to Adoption Deed dated 25/2/1985 to be legal and binding and raised challenge to the Gift Deed dated 17/11/2008 with a prayer for partition, possession and injunction.

2] In the above Suit, Petitioner/original Defendant No.4 has filed an application below Exhibit-82 praying that Examination-in-Chief and supplementary Examination-in-Chief of Power of Attorney Holder of the Plaintiff at Exhibits-40 and 68 be discarded which is rejected by the Court below vide impugned order dated 15/03/2021 passed

below Exhibit-82.

3] Submissions of Counsel for the Petitioner are, Power of Attorney holder cannot depose to the extent of knowledge which is within personal knowledge of the Plaintiff. He has drawn support of from the judgment of the Apex Court in the matter of *Mohindar Kaur vs. Sant Paul Singh* reported in **2019 (9) SCC 358**.

4] There is some substance in the submissions of learned Counsel appearing on behalf of the Petitioner/original Defendant No.4.

5] In the aforesaid backdrop, order passed below Exhibit-82 on 15/03/2021 stands clarified. Trial Court while recording evidence of Power of Attorney holder on behalf of Plaintiff shall be sensitive to the findings recorded by the Apex Court in the matter of *Mohindar Kaur*, cited supra. The acts which are purely within personal knowledge of the Plaintiff cannot be deposed by the Power of Attorney holder of the Plaintiff.

6] With the above clarification as mentioned in para 7 of the said judgment in the matter of *Mohindar Kaur* cited supra, I hardly see any reason which warrants interference in the extra ordinary jurisdiction.

7] As such, Petition stands disposed of in the aforesaid terms.

( NITIN W. SAMBRE, J. )