

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

WRIT PETITION NO.9828 OF 2024

Akhter Hussain Abdul Hamid & Anr.

....Petitioners

V/S

Mohammed Ibrahim Mohd. Ishaq Baloch & Ors.

....Respondents

Mr. Govind Rajpurohit a/w Mr. Rohit Jain *for the Petitioners.*

CORAM: SANDEEP V. MARNE, J.

DATE : 30 SEPTEMBER 2024.

P.C.:

1. Heard the learned counsel appearing for the Petitioners.
2. It appears that evidence tendered on behalf of Defendant Nos.2 and 3 through their constituted attorney has been discarded by the Trial Court on the ground that the attorney was minor at the time of date of execution of the power of attorney. In that view of the matter no serious error can be traced in the order discarding the evidence of Defendant Nos.2 and 3.
3. The learned counsel for the Petitioners would submit that a fresh power of attorney has been executed in favour of the witness on 21 October 2021 by Defendant Nos.2 and 3. He would accordingly submit that an opportunity be

granted for the witness to tender fresh evidence based on the power of attorney dated 21 October 2021. Accordingly Petitioners are granted liberty to move necessary application before the Small Causes Court for filing fresh affidavit of evidence based on power of attorney dated 21 October 2021. If such application is made, the same shall be decided by the Small Causes Court on its own merits in an expeditious manner. With the above observations, the Writ Petition is **disposed of**.

(SANDEEP V. MARNE, J.)

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