

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11170 OF 2024

Sidhraya S/o Yeshwant Shinde & Ors ..Petitioners
Versus
Anita Sunil Shinde & Ors ...Respondents

Mr. Nilesh Wable, i/b Umesh Mankapure, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED : 13th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the Petitioner.
2. The challenge in this Petition is to an Order dated 11th September 2023 passed by the learned Civil Judge, Junior Division, Sangola on an Application preferred by the Petitioner-Defendant to discard the evidence adduced by the PoA holder of the Plaintiff.
3. By the impugned order the learned Civil Judge rejected the said Application.
4. The position in law is well settled that, no one can delegate the power to appear in the witness-box on behalf of himself. The general PoA holder holder cannot be allowed to appear as a witness on behalf of the Plaintiff in the capacity of the Plaintiff.

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5. However, the question as to whether the evidence adduced by PoA holder of the Plaintiff is based on the personal knowledge of the said PoA holder would be a matter to be determined by the trial court. Thus, keeping open objection of the Defendant to the admissibility of the portions of the evidence adduced by the PoA holder, the Petition stands disposed.

6. While evaluating the evidence of the PoA holder, the trial court shall have due regard to the aforesaid position in law as enunciated in case of **Janki Vashdeo Bhojwani & Anr Vs Indusind Bank Ltd & Ors.**¹

7. Petition disposed.

[N. J. JAMADAR, J.]

1 (2005) 2 SCC 217.