

: MHSCA2-003272-2013

IN THE COURT OF SMALL CAUSES, MUMBAI

ORDER BELOW EXHIBIT NO.59

IN

L.C. SUIT NO. 210/249 OF 2013

New India Assurance Company Limited ]...Plaintiff.

V/s.

Edelweiss Financial Services Limited ]  
(Formerly known as Edelweiss Capital Limited) ]... Defendant.

Navdeep Vora & Associates, Ld. Advocate for the Plaintiff.  
M/s. Thakore Jariwala & Associates, Ld. Advocate for Defendant.

**Coram :- Shri S. A. Gawai, Judge**

**C. R. No.20**

**Date : 04/01/2022**

**ORAL ORDER**

This is an application for returning original power of attorney for filing it in another case.

2. The application was strongly opposed by the defendant on the ground that, the power of attorney is not as per the provisions of the law. It was not offered for its inspection by the plaintiff. Read the application and the say. Went through record of the case. Heard the learned advocates for the respective parties at sufficient length.

3. As per Rule 9 of Order XIII of the Code of Civil Procedure, 1908 (for short '**the CPC**') any party to the suit may receive back any

document produced by him, when the suit is disposed off or after the appeal period is lapsed. However, as per the proviso attached to Rule 9, a document may be returned at any time earlier than prescribed by the Rule 9, if the person applying therefor delivers certified copies of the original, if he is party to the suit and undertakes to produce the original.

4. The careful perusal of the above provisions makes it clear that, a document may be returned at any time earlier than prescribed in Rule 9 of Order XIII of the CPC. The plaintiff has filed the original power of attorney. It is desirous to receive back the said power of attorney. It is ready to substitute the copy of the said power of attorney and also undertook to produce the original power of attorney as and when required. In the circumstance, I find no substance in the objection of the defendant. In the result, I pass the following order,

**ORDER**

1. The application is allowed.
2. The plaintiff shall produce the certified copy of the power of attorney on record.
3. On production of the certified copy, the original power of attorney be returned to the plaintiff.
4. The plaintiff shall acknowledge the receipt of the original power of attorney and shall produce the same as and when required and directed.

Sd/-

Mumbai  
Date : 04/01/2022

(S. A. Gawai)  
Judge, C. R. No.20