

CHAPTER 16

Legal Practitioners

PART A.—THE FILING OF POWERS OF ATTORNEY BY
PLEADERS IN SUBORDINATE COURTS

Whereas by Order III, rule 4, of the Code of Civil Procedure, no Pleader shall 'act' for any person in any court unless he has been appointed by an instrument in writing nor shall any pleader, who has been engaged for the purpose of pleading only, plead on behalf of any person unless he has filed in Court a memorandum-of-appearance or unless he has been engaged by another pleader duly appointed and no such pleader can be recognised in the absence of a written authority or memorandum-of-appearance as aforesaid as empowered to plead or act for any person in any proceeding governed by the Code of Civil Procedure, and it is expedient to provide for ascertaining that every such pleader is duly authorised to appear, plead or act in any such proceeding before subordinate Courts, the following instructions have been issued by the High Court :—

Pleadings and acting by pleaders.

- (1) Every appointment of a pleader to act shall contain in full the name of the person, or, where there are more than one, of every person who thereby appoints the pleader to act on his behalf, and shall be executed by every such person. Power of attorney to act to be executed by the principal.
- (2) When such appointment or power is not executed by the principal himself, but by some person claiming to appoint or give authority on his behalf, the pleader will not be recognised by the court without proof that such person was duly authorised by the principal to execute such appointment or power. Proof required when power of attorney not executed by the principal.
- (3) In cross-appeals a pleader who has already filed a power of attorney or memorandum-of-appearance for the appellant shall not be required to file another power-of-attorney or memorandum-of-appearance for his client as respondent in the cross appeal. Power of attorney or memorandum of appearance in cross-
- (4) The power of attorney or memorandum of appearance shall be filed in court by the Pleader shortly after his engagement, indicating the date of his engagement. Date of engagement.