

**7:** In Janki Vashdeo [Janki Vashdeo Bhojwani v. Indusind Bank Ltd., (2005-2)140 PLR 001 (SC) , (2005) 2 SCC 217], it was held that a power-of-attorney holder, who has acted in pursuance of the said power, may depose on behalf of the principal in respect of such acts but cannot depose for the principal for the acts done by the principal and not by the power-of-attorney holder. Likewise, ***the power-of-attorney holder cannot depose for the principal in respect of matters of which the principal alone can have personal knowledge and in respect of which the principal is entitled to be cross-examined.*** In our opinion, the ***failure of the respondent to appear in the witness box can well be considered to raise an adverse presumption against him*** as further observed therein as follows: (SCC p. 223, para 15)

“15. Apart from what has been stated, this Court in Vidhyadhar v. Manikrao [Vidhyadhar v. Manikrao, (1999) 3 SCC 573] observed at SCC pp. 583-84, para 17 that:

‘17. Where a party to the suit does not appear in the witness box and states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct....’ ”

**[2019 PLRonline 3301](#)**