

SYNOPSIS

1. Officers, soldiers, sailors or airmen who cannot obtain leave may authorize any person to sue or defend for them
2. Person so authorized may act personally or appoint pleader
3. Service on person so authorized, or on his pleader, to be good service

**1. Officers, soldiers, sailors or airmen who cannot obtain leave may authorize any person to sue or defend for them**

(1) Where any officer, soldier, sailor or airman actually serving under the Government in such capacity is a party to a suit, and cannot obtain leave of absence for the purpose of prosecuting or defending the suit in person, he may authorise any person to sue or defend in his stead.

(2) The authority shall be writing and shall be signed by the officer, soldier, sailor or airman in the presence of (a) his commanding officer, or the next subordinate officer, if the party is himself the commanding officer, or (b) where the officer, soldier, sailor or airman, is serving in military, naval, or air force staff employment, the head or other superior officer of the office in which he is employed. Such commanding or other officer shall countersign the authority, which shall be filed in Court.

(3) When so filed the countersignature shall be sufficient proof that the authority was duly executed, and that the officer, soldier , sailor or air man by whom it was granted could not obtain leave of absence for the purpose of prosecuting of defending the suit in person.

Explanation.—In this Order the expression “commanding officer” means the officer in actual command for the time being of any regiment, corps, ship, detachment or depot to which the officer, soldier, sailor or airman belongs.

**2. Person so authorized may act personally or appoint pleader**

Any person authorised by an officer, soldier, sailor or airman to prosecute or defend a suit in his stead may prosecute or defend it in person in the same manner as the officer, soldier, sailor or airman could do if present; or he may appoint a pleader to prosecute or defend the suit on behalf of such officer, soldier, sailor or airman.

**3. Service on person so authorized, or on his pleader, to be good service**

Processes served upon any person authorised by an officer soldier, sailor or airman under rule 1 or upon any pleader appointed as aforesaid by such person shall be as effectual as if they had been served on the party in person.