

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2545 OF 2015

Shri Jayantibhai Siroya and Anr.] ... Petitioners

Versus

Mr. Arshad Siddiqui and Ors.] ... Respondents

Mr. Vinay Hegde for Petitioners.
None for Respondents

CORAM :- M. S. SONAK, J.
DATE :- APRIL 27, 2015

P. C. :-

1. This petition challenges the Order dated 20/01/2015 made by the 3rd Joint Civil Judge, Senior Division, Thane, imposing the burden of proof on the Defendant to demonstrate as to how the counter-claim is within limitation.

2. In view of the decision of this Court in case of *ITC and Others Versus Shri Sukha Karta Finance & Leasing Pvt. Ltd.*¹, it cannot be said that the impugned order suffers from any jurisdictional error. Accordingly, no interference is necessary with the impugned order.

¹ Original Suit No.764 of 2002

3. However, looking to the issue, it would be appropriate if all Miscellaneous Applications as well as the main suit itself is disposed of as expeditiously as possible and in any case, within a period of 18 months from today.
4. All concern to act on the basis of authenticated copy of this Order.
5. The Petition is disposed of in the aforesaid terms.

(M. S. SONAK, J.)