

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5165 of 2014
(Ninad s/o Anil Deshbhratar and others v. Anil s/o Gulabrao Deshbhratar
and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Smt. S.W. Deshpande, Advocate for Petitioners.
Shri K.N. Dadhe, Advocate for Respondent Nos.2 and 3.
Coram : R.K. Deshpande, J.
Dated : 23th February, 2015

The Trial Court has rejected the application raising the objection at Exhibit 64 in Regular Civil Suit No.8 of 2014 in respect of the counter-claim.

The undisputed factual position is that the suit was filed on 26-1-2014, written statement was filed on 4-3-2014, and thereafter the counter-claim was filed on 7-7-2014. The Trial Court has recorded the finding that the cause of action for filing the counter-claim arose on 28-6-2014 when the plaintiff and the defendant No.1 obstructed the husband of the defendant No.3 in cultivation work. It is a case where cause of action is shown to have arisen after filing of the suit but before delivering the defence.

In view of this, there is no reason to interfere in the order impugned. The petition is dismissed.

Judge.