

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12712 OF 2017

SARJERAO DHONDIBA SALANKE
VERSUS
DYANOBA BALBHIM SOLANKE AND ANOTHER

...
Advocate for Petitioner : Mr. Bhavthankar Vivek Vasantrao

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CORAM : V. K. JADHAV, J.
DATED : 7th NOVEMBER, 2017

PER COURT:-

1. I do not find any reason to interfere in the order passed by the 3rd Joint C.J.J.D. Ambejogai dated 16.01.2017 passed below Exh.54 and 55 in R.C.S. No. 254 of 2011.

2. It appears that the respondents-defendants have filed an application Exh.54 for accepting the court fees of Rs.200/- for their counter claim. The petitioner-plaintiff has also filed an application Exh.55 to reject the counter claim on the ground that respondents have not paid the court fees. Though there is delay in submitting the court fees, learned Judge of the trial court has allowed application Exh.54 with costs. Learned counsel for the petitioner submits that the respondents also instituted suit subsequent to the suit filed by the petitioner-plaintiff and the said suit was stayed in terms of provisions of Section 10 of C.P.C. at the behest of petitioner. Learned counsel submits that though the said suit has been stayed, the respondents have submitted their counter claim by raising the same

ground and failed to pay the court fees for near about a period of one year. It appears that petitioner has not challenged the order passed by the trial court permitting the respondents to carry out amendment in the written statement and to file counter claim. This writ petition is in respect of not depositing the amount of court fees within time in respect of counter claim.

3. In view of above discussion, I do not find any fault in the impugned order passed by the trial court. There is no substance in the writ petition. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

rlj/