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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO.186 OF 2018

Dattatray Ganpat Kadam and ors ... Appellants.

V/s.

Sangita Rajendra Kadam and ors ... Respondents

Mr. Tushar N. Sonawane, for the Appellants..

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd APRIL, 2018.

P.C. :

- 1] Heard learned counsel for appellants.
- 2] This Second Appeal is preferred against the concurrent finding of trial Court and Appellate Court, decreeing the suit filed by the respondent for injunction.
- 3] The only contention raised by learned counsel for appellants is that the application filed by the appellants for taking the counter claim on record has been rejected by the First Appellate Court.
- 4] In my considered opinion, there is no substance in the said contention as the appellant can very well file a separate suit as

regards the counter claim. Hence, no interference is warranted in the finding of fact arrived at by the trial Court and confirmed by the Appellate Court.

5] The Second Appeal, therefore, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]