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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 319/2017 & CM No. 10915/2017

CHANDER DEV CHAWLA

..... Petitioner

Through: Mr. L.M Asthana, Mr. Siddhant
Asthana and Mr. Chhetarpal Singh,
Advocates.

versus

DEEPAK KUMAR BEHL

..... Respondent

Through: Mr. Sumit Gaba, Advocate.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

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27.02.2018

The respondent (defendant in the suit) by the application considered and adjudicated upon by the Civil Judge by order dated 16.12.2016, which is impugned by the petition at hand, on the file of the Civil Suit (No. 607078/2016) of the petitioner (plaintiff), while amending the written statement and bringing on record additional averments with regard to his claim that the father of the petitioner (the plaintiff) had bequeathed the right, title and interest in the subject property in favour of the defendant, also submitted a counter-claim seeking certain reliefs against the plaintiff of the case.

The petition at hand challenging the said order is pressed only to question the permissibility of the counter-claim being entertained at
CM(M) 319/2017

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such belated stage by the trial court, the counsel clarifying that he does not seek the order permitting amendment of the written statement to be disturbed.

After some hearing, the counsel for the respondent fairly conceded that, in the given facts and circumstances, the appropriate course for the respondent/defendant would be to institute an independent suit against the petitioner/plaintiff of the case to seek appropriate relief, the counter-claim having been submitted beyond the period permitted by Order VIII Rule 6 A CPC.

Thus, with the consent of the counsel for the respondent, the impugned order in so far as it entertained the counter-claim is set aside. The right of the respondent (defendant) to institute independent proceedings to seek appropriate relief against the petitioner (plaintiff) in accordance with law is reserved.

R.K.GAUBA, J

FEBRUARY 27, 2018/uj