

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 535 of 2014**

Bihar School of Yoga, a registered society under the Societies Registration Act, Ganga Darshan, Andar Kila, Munger, Kotwali, Post & District Munger (Bihar) Pin 811201 through General Power of Attorney holder Swami Swaymbhunath Saraswati, Disciple of Late Shri Swami Satyanand Saraswati, resident of Satyanand Ashram, G.E. Road, Rajnandgaon, Tahsil & District Rajnandgaon (C.G.) Civil & Revenue District Rajnandgaon.

----Petitioner/plaintiff**Versus**

1. Satyadarshan Yogashram, a registered institution under the CG Firms & Societies Registration Act, Block No. 14, Plot No. 01, Near Gandhi Garden, Civil Lines, G.E. Road, Raipur, Tahsil & District Raipur (C.G.)
2. President – Swami Shri Ashesha Nand Saraswati, Satyadarshan Yogashram, a registered institution under the CG Firm & Societies Registration Act, Block No.14, Plot No.1, Near Gandhi Garden, Civil Lines, G.E. Road, Raipur, Tahsil & District Raipur (C.G.)
3. Secretary- Swami Yog Shikshanand Saraswati, disciple of Late Swami Satyanand Saraswati, through Satyadarshan Yogashram (registered society under the C.G. Firms & Societies Registration Act), Block No. 14, Plot No.1, Near Gandhi Garden, Civil Lines, G.E. Road, Raipur, Tahsil & District Raipur (C.G.)
4. Shri Vipin Agrawal, son of Shri Trayambak Narayan Agrawal, Member, Satyadarshan Yogashram (registered society under the C.G. Firms & Societies Registration Act), Rajkumar College Campus, G.E. Road, Raipur, Tahsil & District Raipur (C.G.) Block No. 14, Plot No.1, Near Gandhi Garden, Civil Lines, G.E. Road, Raipur, Tahsil & District Raipur (C.G.)

---- Respondents

For Petitioner	: Shri Sameer Uraon, Advocate.
For Respondents	: Shri Harshwardhan Parganiya, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/01/2019**

1. In a suit filed the petitioner/plaintiff, defendants filed their counter claim on 25.02.2012 and thereafter the plaintiff has withdrawn the suit on 07.11.2013. Thereafter, the present

petitioner filed an application that counter claim is not maintainable as the cause of action has arisen after filing of the written statement, which the trial Court did not agree and rejected the application, against which the instant writ petition has been filed questioning the same.

2. I have heard learned counsel appearing for the parties.

3. It is stated at the bar that the trial of the counter claim has already been concluded and the matter is to be heard finally. In view of that, this Court is refraining from expressing any view with regard to maintainability of the counter claim. However, the parties are at liberty to raise that question before the trial Court, in which it is pending.

4. With the aforesaid liberty, the writ petition stands finally disposed of.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

