

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

WRIT PETITION NO. 2518 OF 2017

Ashik s/o Aabid Sheikh

vs.

Ravi s/o Deorao Yewale

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. M. V. Rai, counsel for petitioner.
Shri I. J. Damle, counsel for respondent.

CORAM : MANISH PITALE J.

DATED : 13/03/2020

By this writ petition, the petitioner (original defendant) has challenged order dated 28/11/2016 passed by the Court below whereby an amendment sought by the petitioner to raise his counter claim has been rejected.

2. It is an admitted position that when the aforesaid application was moved by the petitioner, issues had been already framed by the Court below.

3. In view of the latest position of law laid down by a Bench of three Hon'ble Judges of the Supreme Court of India in the matter of **Ashok Kumar Karla vs. Wing CDR Surendra Agnihotri and others, 2019 LawSuit (SC) 1878**, it is clear that such a request for incorporating the counter claim after framing of

issues cannot be entertained by the Court.

4. In view of the above, no error can be attributed to the impugned order passed by the Court below. Accordingly, the writ petition is dismissed.

JUDGE

KOLHE/P.A.