

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

WRIT PETITION NO.5319 OF 2021

Govinda Dnyanba Bobde

Vs.

Narayan Rajaram Bobde

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

Court's or Judge's orders

Mr. R. S. Kurekar, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/12/2021

Heard Mr. Kurekar, learned counsel for the petitioner, who challenges the order dated 26.07.2019 by which the application at Exh.22 filed under Order 7 Rule 11 (d) of CPC was allowed and the counter-claim was rejected. The admitted position on record is that the counter-claim raised a plea for specific performance of an agreement dated 30.04.2000, which contained the date for execution of the sale deed as 18.10.2000 and the counter-claim was filed on 03.07.2019. Apparently, on the own averments, as contained in the counter-claim, the same clearly was barred by limitation, as contained in Article 54 of the Limitation Act, the counter-claim having been filed almost 19 years after the date fixed, considering which, I do not see any infirmity in the impugned order. The petition is without merit and is rejected.