

Anand

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

WRIT PETITION 6367 OF 2022

Ramchandra Sondkar

.Petitioner

Vs.

Bharat Sondkar

.Respondent

Mr. Pratibha D. Shelke, Advocate, for the Petitioner
None for the Respondent

CORAM : ROHIT B. DEO, J.

DATE : 18.07.2022

P. C.

. The challenge is to the order, whereby the learned trial Judge has permitted the Defendant to amend the counter claim.

2. One of the objections, and which is the most serious objection, is that counter claim seeks to incorporate the pleadings and raise an issue which is already concluded by the earlier adjudication.

3. While I am not inclined to interfere with the order, whereby the learned trial Judge has permitted the

Defendant to amend the counter claim, it is made clear that the objections which are raised, inter alia the principle of resjudicata would apply, are kept expressly open for the learned trial Judge to decide at an appropriate stage.

4. The Petition is disposed of.

(ROHIT B. DEO, J.)