

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Writ Petition No.861/2023**

Dyaneshwar V Madhukar and others

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Office notes, Office Memoranda of  
 Coram, appearances, Court's orders  
 or directions and Registrar's orders.

Court's or Judge's Orders

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Mr. G.L. Agrawal, Adv (Appointed) for petitioner.

**CORAM : AVINASH G GHAROTE, J.**  
**DATE : 06-02-2023**

Heard Mr. Agrawal, learned Counsel (appointed)  
 for the petitioner.

2. The petition challenges the order dated 04-10-2022, whereby the application for grant of permission to file counterclaim has been rejected on the ground, that the cause of action, for filing of the counterclaim had arisen, according to the petitioner, in the year 2021. However, application has been filed in the year 2022 i.e. after lapse of 21 years and after filing of the written statement. Though reliance is placed upon *Ashok Kumar Kalra Vs Wing CDR. Surendra Agnihotri and others, (2020) 2 SCC 394* that does not lay down a proposition that the counterclaim can be filed after decades.

3. In view of above, I am not inclined to interfere in the order impugned in this petition. The petition is, thus, without any merits. Hence, the same is dismissed. No cost.

JUDGE