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A.No.2167 of 2023

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in C.S.No.636 of 2019

K.KUMARESH BABU, J.

The applicant herein has sought for leave of this Court to take the additional written statement and also the counter claim as against the plaintiff for a recovery of a sum of Rs.64,00,000/- which is loss that occurred to the first defendant. From the records it is seen that this Court had framed an issue as to whether the plaintiff had backed out from the tender and whether the plaintiff has to pay a sum of Rs.64,00,000/- as loss due to the resale of the defaulter's risk and responsibility as per condition no.6 of e-auction catalogue. In view of the issue already framed by this Court the counter claim by way of an additional written statement is to be taken on record and the application is allowed.

2. However, the counter claim made by the defendant is being resisted by the learned counsel for the plaintiff on the question of limitation. Hence,



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for doing substantial justice the further additional issue is also framed by this Court as follows:

"Whether the counter claim made is within the period of limitation?"

3. List the matter before the learned Additional Master No.IV for recording of evidence on the issues framed by this Court.

23.06.2023

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