



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

11 WRIT PETITION NO. 9279 OF 2024

**SYED ISA SYED DADU
VERSUS
NUZHAT FATEMA MUNWAR KHAN**

...
Advocate for the petitioner : Mr.N.K.Tungar

...
**CORAM : ARUN R. PEDNEKER, J.
DATE : 21.10.2024**

P.C. :

1] By the present petition, the petitioner challenges the order dated 20.06.2024 passed by the 4th Joint Civil Judge Junior Division, Parbhani below Exh.26 in Regular Civil Suit No.12/2022 whereby the trial Court dismissed the application filed by the plaintiff for rejection of counter claim of the respondent-defendant.

2] The trial Court held that in order to obtain relief of rejection, the petitioner - plaintiff has to make out one of the ground provided under Order 7 Rule 11 of Civil Procedure Code. However, after considering the contentions of the plaintiff, it is seen that the plaintiff has failed to show that application is covered by provisions of Order 7 Rule 10 of the CPC. Therefore, the trial Court has rightly rejected the application filed by the petitioner-plaintiff. Before this Court also no ground made out for rejection of counter

claim. Thus, I see no error in the impugned order passed by the trial Court. The present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC