

Ajay

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

WRIT PETITION NO. 8841 OF 2023

Sagar Raosaheb Kulkarni

.. Petitioner

Versus

Banshi Shankar Ghadge and Ors.

.. Respondents

-
- Mr. S.H. Kankal, Advocate for Petitioner.
 - None for the Respondents.
-

CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 31, 2024.

P.C.:

1. Heard Mr. Kankal, learned Advocate for the Petitioner. None appears for the Respondents.

2. The directions contained in the order dated 24.01.2024 stand complied with. Yesterday the Suit proceedings appeared before the learned Trial Court and the order dated 24.01.2024 was also tendered in the Trial Court as also to the Advocate for the Plaintiffs i.e. Respondents before me.

3. Today, when the matter is called out twice none appeared for the Respondents / Plaintiffs.

4. I have already expressed my mind on 24.01.2024 that I see no impediment in allowing the present Writ Petition and taking counter claim of the Petitioner who is Defendant in the Trial Court on

record subject to the Petitioner complying with the provisions of the Bombay Court Fees Act, 1959 by depositing the appropriate Court fee stamps strictly in accordance with law. Mr. Kankal undertakes to do so within a period of two weeks from today. This is because of considering the difficulty expressed by the Petitioner in procuring the stamps which has been noted by me in the previous order.

5. It is therefore strictly directed that in the counter claim filed by the Defendants appropriate Court fee shall be deposited strictly in accordance with law.

6. In view of the above, the impugned order dated 15.11.2019 passed below Exhibit “251” is quashed and set aside, only to the extent of payment of the requisite Court fees on the counter claim is concerned. Rest of the order shall remain as it is without being disturbed.

7. It is expressly stated that all contentions of the parties before the learned Trial Court are expressly kept open.

8. With the above directions, Writ Petition is allowed and disposed.

[MILIND N. JADHAV, J.]

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Date: 2024.01.31
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