



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4266 OF 2026

SAYED MOOSA SAYED ALI AND ANR

VERSUS

BALASAHEB RAMKRUSHNA JADHAV

...

Mr. Satyajit S. Bora, Advocate for the Petitioners.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 21st APRIL, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 13.02.2026 passed below Exhibit-54 by Civil Judge Junior Division, Patoda in Regular Civil Suit No.493/2014, whereby petitioners' prayer for taking on record counter claim has been rejected.

2. Perusal of impugned order suggests that Trial Court relies upon observations of Supreme Court in case of *Ashok Kumar Kalra Vs. Surendra Agnihotri and Ors.*¹, wherein Supreme Court has ruled that counter claim cannot be permitted after framing of issues.

3. This Court do not find any reason to interfere in observations and conclusions drawn by Trial Court in wake of pronouncement of Supreme Court on issue. However, needless to observe here that,

¹ (2020) 2 SCC 394.

petitioners may institute separate suit without impeded by observations made in impugned order.

4. In result, Writ Petition stands disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/April-2026