

ORDER ON IA No-VII

1) The defendant No.2 has filed present applications under Order VIII Rule 6A of Code of Civil Procedure, seeking permission of this court to file his written statement along with counter claim. It is the contention of the defendant No.2 that, the plaintiffs have filed false case against them and they have better case than plaintiff and they have sought for counter claim against the claim of the plaintiffs.

2) In counter to the application, the plaintiff filed their objection, claiming that, the application filed by the defendant No.2 is not maintainable, on the grounds that, the defendant No.2 has filed present application by fabricating the false story

and the present application is hit by provisions of law of limitation. Accordingly sought for dismissal of the applications.

3) Heard both sides, perused materials on record, accordingly the following are the points for consideration of this court.

1. *Whether the defendant No.2 has made out grounds to allow I.A No.VII?*
2. *What order ?*

4) For the reasons stated below this court answers the above points for consideration as hereunder:

Point No.1: In the Affirmative

Point No.2: As per final order.

REASONS

5) POINT NO.1:

The defendant No.2 has filed present applications under Order VIII Rule 6A of Code of Civil Procedure, seeking permission of this court to file his written statement along with counter claim. It is the contention of the defendant No.2 that, the plaintiffs have filed false case against them and they have better case than plaintiff and they have sought for counter claim against the claim of the

plaintiffs. It is well settled law that, the defendant is entitled to file counter claim against the claim of the plaintiff and burden of proving such claim would be on the party claiming, thus though the plaintiffs herein dispute the genuineness of the facts alleged, this court is of the opinion that, such genuineness may be considered in the full fledged trial and to adjudicate the case on hand in full and final the defendant No.2 may be permitted to file his counter claim. Insofar as delay in filing the present application, it may be compensated by imposing adequate cost for. Accordingly this court answers **Point No.1 in the Affirmative.**

6) Point No.2: For the reasons stated above this court proceeds to pass the following:

:- ORDER:-

The IA No.VII filed by the defendant No.2 is hereby allowed on cost of Rs.100/-. Consequently counter claim filed along with I.A No.VII is taken on record.

For Addl Issues if any
Call on: 10.04.2026

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.