

Order below Exh 95

1. This is an application of the defendants to condone the delay to file counter claim as per order below Exh 66.
2. According to defendants, they have filed their counter claim below Exh 81 on 11/05/2017. But as per order of the court below Exh 66 they have presented separate counterclaim with this application. Hence they have prayed that delay of 100 days may be condone and their counter claim be taken on record. Hence defendants prayed for condonation of delay to file counter claim.
3. Plaintiff strongly objected said application. According to him, present defendants firstly presuming their amended copy below Exh 81 as counter-claim and now they are filling again different application. It is further contended that there is no specific reason for delay. Hence, he prayed for rejection of the application.
4. Heard both the sides. This court has specifically passed order below Exh 66 that counter claim is allowed to file separately. As per order the amended copy was filed in time below Exh 81. after that there is only confusion of interpretation of order by the defendants. Hence this application is filed by them. I do not found any appealing merit in the say of the plaintiff. On the basis of minor technicality it will not proper to reject the application. To hear the matter on merit defendants deserves the opportunity. In the light of the above discussion I am passing following order.

Order

1. Application below Exh 95 is hereby allowed.
3. Counter claim filed by the Defendants be taken on record.

Date :20/09/2017

(**Shri. P. G. Lambe**)

3rd Jt. Civil Judge Jr. Division, Daund