

MHPU180025802017



R.C.S. No. 425/2017
Shamrao Adsul
Vs.
Shahaji & Anr.

ORDER BELOW EXH. 69

(Passed On 08/07/2025)

The plaintiff respectfully requests that this Court dismiss the counterclaim filed by the defendants, against some of the defendants in the counter claim, as the defendant has demonstrated a lack of intent to pursue the counterclaim against these defendants.

2. The defendants (who is the original plaintiff in the counterclaim), opposes this application by filing a say and submits that the matter is currently pending to the report of the defendants in the counterclaim. Therefore, the defendants respectfully requests this Court to reject the present application.

3. The matter was called. The learned advocate for the defendants (who is the original plaintiff in the counterclaim) is present. The plaintiff and the learned advocate for the plaintiff were absent. The learned advocate for the defendants (who is the original plaintiff in the counterclaim) was heard. It appears that on the last date of hearing, both the advocate for the plaintiff and the plaintiff were absent. Accordingly, the present application is decided on its merits.

4. It appears from the record that the defendants have filed a counterclaim in the present suit. However, on 28/08/2024, the notice was issued to the defendant in the counterclaim. Thereafter,

no further steps have been taken in respect of the service of summons in the counterclaim. It is admitted that the matter is currently posted for the summons of the defendant in the counterclaim. Therefore, at this stage, it would not be just or proper to dismiss the counterclaim merely on the ground that the defendant, being the counterclaimant, has failed to take further steps. The summons are yet to be issued to the defendants in the counterclaim. The original plaintiff in the counterclaim is directed to take necessary steps to serve the summons on the defendants. Accordingly, the present application is not maintainable and is liable to be rejected. The following order is passed accordingly.

ORDER

1. The application below Exhibit 69 is hereby rejected.
2. The original Plaintiff in the counterclaim is directed to take appropriate steps for the service of summons on the defendants in the counterclaim.
3. The parties are directed to take note of this order.

Daund.
Dt. 08/07/2025.

(A. S. Shaikh)
4th Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

I affirm that the contents of this P.D.F file, Order are same, word to word, as per the original order.

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (A. S. Shaikh) 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 08/07/2025.
Order / Judgment singed by the	:- 08/07/2025.
Presiding Officer on	
Order/ Judgment uploaded on	:- 09/07/2025.