

Sess Adv 5
(अॅड. श्री. एस्.के.मराठे)
(वादीतर्फे वकील)

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perused the Application and say filed by
Def No-3 at eth. 69. Hear both sides.
perused the Record. Record prima facie shows that
plaintiff has filed present suit for seeking relief
of Declaration & Permanent Injunction. Defenda
no-3 has filed W.S at eth- 36. Along with
W.S. Defendant No-3 has filed Counter-claim and
seeking relief of mandatory Injunction and
permanent Injunction. It appears that S-No- 54/5
Grampanchayat property No. 70 situated at
Village Aaravali is ^{the} ~~plaintiff's~~ ^{plaintiff's} property. The present
Application is moved by ~~Defendant No-3~~ ^{plaintiff} for seeking
Counter-claims of Defendant No-3 on the ground of
pecuniary jurisdiction. It is not clear that under what
provision of C.P.C. plaintiff has moved the present
Application. It is settled law that see - GA of C-P.C
is deleted. This is also admitted by plaintiff. Recital of
the contents of Application, reveals that according to
plaintiff this court has no ~~jurisdiction~~ ^{jurisdiction} pecuniary jurisdiction
to try the Counter-claim. The stage of the present suit
is of unready. Also, matter is quite old. Therefore at this stage
issue of pecuniary jurisdiction can be framed & decided
no need to decide pecuniary jurisdiction. Regular issues
at the time of framing of P-1 of C.P.C. Plaintiff
will get equal opportunity to be
evidence. Here, Application
is dismissed. Both
sides.