

MHYA090000762008



COMMON ORDER BELOW EXH.- 01, 158 & 159
IN SPL.C.S. No.-36/2008

The present suit is filed by the plaintiffs for declaration, cancellation of sale-deed, partition and separate possession and in alternative they have claimed for one half share amount in the sale consideration amount of Rs.46,20,484/-.

2) The defendant nos.7 and 8 who are the alleged legal representative of the deceased defendant no.4 have filed their written statement at Exh.158 and their counter claim at Exh.159. The said defendants have brought their counter claim for decree of declaration that, they are the owners and possessors of the disputed fields on the basis of registered Will dated 24/10/2008 bearing registration no.529/2008 which was executed by defendant no.4 namely Potibai Bhima Atram.

3) On perusal of said counter claim of the defendants it appears that, the provisions laid down under Order 8 Rule 6-A to 6-G of Code of Civil Procedure are not duly complied by the defendants, while filing their counter claim. Also they have not described the suit properties in their counter claim specifically as provided under Order 7 Rule 3 of Code of Civil Procedure.

4) Record shows that, at present suit is listed for

cross examination of defendant no.8. Today said defendant remain absent. But in order to avoid technicalities arise in the matter it is necessary to direct the defendant nos. 7 and 8 to rectify their counter claim in view of the above mentioned provisions. Also, as the matter is pending since 2008 it is necessary to direct both parties for expedite hearing in the matter. Hence, the following order.

ORDER

- 1) Defendant nos.7 and 8 are direct to rectify their counter claim in-consonance with the provisions of Order 8 Rule 6-A to 6-G of Code of Civil Procedure on or before next date without fail.
- 2) The defendants have also direct to comply the order strictly and if they fails their counter claim will be rejected under Order 7 Rule 11 of Code of Civil Procedure.
- 3) Both parties to take note of the said order and proceed with the matter expeditiously as matter is pending since 2008.
- 4) Both the parties are directed to co-operate this Court for speedy disposal of the matter in view of the directions given in Action plan 2024.

Date : 11/06/2025.

(K.K. Mane)
Joint Civil Judge (Sr. Dn.),
Kelapur.