

T.S. 449/20 CNR – WBCC01-01558-2020

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 32

16.01.24

Today is fixed for hearing in respect of acceptance of WS with counter claim.

Both the sides file hazira. A receipt is filed on behalf of the defendant showing payment of a sum of Rs. 500/- to the Ld. Advocate for the plaintiff towards cost imposed upon the defendant in terms of Order dtd 18.1.20.

Heard the Ld. Advocates for both the sides. Considered the written objection filed by the plaintiff against the matter of acceptance of the counter claim.

It appears from the record that on 18.1.20 the defendant filed his WS along with counter claim when order was passed for acceptance of WS subject to payment of cost of Rs. 500/-. This day the defendant has made payment of the said amount to the Ld. Advocate for the plaintiff. Accordingly the WS filed by the defendant stands accepted.

So far as the question of the counter claim of the defendant is concerned, it appears that the same has been filed along with the WS while it is evident from the contents of the counter claim that the cause of action in respect of the counter claim has accrued for the defendant against the plaintiff immediately after filing of this suit but before the defendant has delivered his defence. The office report shows that the court fees paid in respect of the valuation of the counter claim is correct. Accordingly the provisions of Order 8 Rule 6A appears to have been fulfilled.

In such circumstances, the counter claim filed by the defendant stands accepted.

Fix 22.1.24 for filing WS by the plaintiff against the counter claim.

D & C by me

Judge 2nd Bench

Judge 2nd Bench