

In the Court of LXXXIV Addl. City Civil & Sessions Judge
(CCH-85 Commercial Court), Bengaluru

COM.O.S.No.25855/2017

PLAINTIFF : Gaurav Rose Real estate Pvt Ltd

Vs

DEFENDANTS: Blue Horizon Hotels Pvt Ltd and Ors.

ISSUES

1. Whether the plaintiff proves that defendants 1 and 4 executed registered mortgage deed dated 04.04.2014 by deposit of title deeds as claimed in para 9 of the plaint?
2. Whether the plaintiff proves that the 1st defendant had agreed to pay interest at 24% p.a. on the advance of Rs.05 Crores?
3. Whether the defendants 1 and 4 prove that the suit is time barred?
4. Whether the the defendants 1 and 4 prove that the suit is bad for misjoinder of defendants 2 to 4?
5. Whether the 3rd defendant proves that the mortgage created in favour of the consortium lenders, SBM, Bank of India and SBI was prior in point of time?
6. Whether the plaintiff is entitled to recover Rs.05 Crores from defendants 1 and 4 with interest at 24% p.a. from the date of suit as claimed?
7. Whether the plaintiff is entitled for declaration that the mortgage deed dated 28.05.2015 in favour of defendants 2 and 3 is not binding?

8. Whether the plaintiff is entitled for a direction to sell the suit property to recover the amount claimed in the suit?

9. What order or decree?

Dated this the **11th** day of **July 2023**

(H.R.RADHA)

LXXXIV Addl. Civil Civil & Session Judge
(CCH-85) (Commercial Court), Bengaluru