

**IN THE COURT OF LXXXIV ADDL. CITY CIVIL & SESSIONS
JUDGE (CCH-85) COMMERCIAL COURT, BENGALURU**

COM.O.S.No.510/2025

PLAINTIFF : Prakash Babu B K

Vs

DEFENDANTS : Pearl Builders And Developers & Ors.

ISSUES

1. Whether plaintiff proves that as per Joint Development Agreement dated 01.07.2004 executed between owner of A schedule property by name Mr.Paulino Fernandes and defendant No.1, item Nos.1 and 2 of schedule B Property of plaint are exclusively allotted to the share of owner Mr.Paulino Fernandes?
2. Whether plaintiff proves that in the year 2006, defendant No.1 handed over possession of entire portion of item Nos.1 and 2 of schedule B property of the plaint to the owner Mr.Paulino Fernandes?
3. Whether plaintiff proves that he has purchased item Nos.1 and 2 of schedule B property of the plaint from its owner Mr.Paulino Fernandes under registered Sale Deeds dated 09.04.2013 in pursuant to decree in O.S.No.8237/2009?
4. Whether plaintiff proves that by taking advantage of absence of owner of the property, defendant Nos.1 and 2 illegally took possession of item Nos.1 and 2 of plaint B schedule property and thereafter, they illegally leased said property in favour of defendant Nos.3 to 6 under unregistered Lease Deeds?
5. Whether defendant Nos.1 and 2 prove that the owner Mr.Paulino Fernandes has not taken possession of item Nos.1 and 2 of B schedule property by refunding security deposit of Rs.7,00,000/- to defendant No.1 as mandated in Joint Development Agreement dated 01.07.2004?

6. Whether defendant Nos.1 and 2 prove that Sale Deeds dated 09.04.2013 executed by the owner Mr.Paulino Fernandes in favour of plaintiff are sham documents and same are created to evade refund of security deposit payable to defendant No.1?
7. Whether defendant Nos.1 and 2 prove that this court has no jurisdiction to try the suit U/Sec.2(2) of Commercial Courts Act?
8. Whether suit is bad for non-joinder of necessary parties?
9. Whether suit is barred by limitation?
10. Whether plaintiff is entitled for the relief sought?
11. What order or decree?

Dated this the **17th** day of **November 2025**

(Anand T. Chavan)

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