

MHRG110003832018



R.C.S.No.76/2018.
Exh.37/B.

Today I passed order below Exh.1 regarding additional issue. Therefore, I reproduce additional issue No.9A, along with other issues as under :

ISSUES

1. Whether plaintiff proves that, defendant No.1 agreed to sell the suit property to him for a consideration of Rs.2,62,000/- and after accepting Rs.62,000/- as on earnest money, has executed an agreement to sale in favour of plaintiff on 04.11.2004. ?
2. Whether plaintiff proves that, he is in actual possession of the suit property ?
3. Whether the plaintiff proves that, he is ready and willing and was ever ready and willing to perform his part of agreement ?
4. Whether plaintiff proves that, defendant refused / declined to execute registered sale deed in favour of plaintiff ?

5. Whether time was essence of contract ? If yes, what is effect ?
6. Whether suit is within limitation ?
7. Whether defendant No.1 prove that, suit agreement is not enforceable in law ?
8. Whether defendant No.3 and 6 proves that, they are bonafiede purchaser of the suit property ?
9. Whether plaintiff proves that, he is entitled for specific performance of the contract ?
- 9A. Whether the plaintiff is entitled for relief of return of earnest money in case his claim for specific performance is refused ?
10. Whether plaintiff proves that, POA executed by defendant No.1 in favour of defendant No.2 is illegal and not binding upon plaintiff ?
11. Whether plaintiff proves that, sale deed No.720/2013 executed by defendant No.1 in favour of defendant No.3 is illegal and liable to be cancelled ?
12. Whether sale deed No.980/2013 executed by defendant No.2 in favour of defendant No.4 to 6 is illegal and liable to get cancelled ?

13. Whether plaintiff is entitled for declaration as prayed for ?
14. Whether plaintiff is entitled for relief of perpetual injunction as prayed for ?
15. Whether plaintiff is entitled for relief as prayed for ?
16. What order and decree ?

Mangaon.

Date : 21.10.2024.

(G. C. Fulzalke)

Joint Civil Judge Junior Division,
Mangaon, Dist. Raigad.