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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 37/2017**

MS ANITA SAINI & ORS.

..... Plaintiffs

Represented by: Mr.S.S.Wani and Mr.Himanshu Garg,
Advocates.

versus

SWIFT ROAD LINK PRIVATE LIMITED & ORS..... Defendants

Represented by: Mr.Rizwan Aftab, Advocate for
defendant Nos.1 to 7.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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03.12.2019

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1. Defendant No.8 has chosen not to file the written statement as recorded vide order dated 19th July, 2017. None has been appearing on behalf of defendant No.8.

2. Defendant No.8 is proceeded ex-parte.

3. On perusal of record and with consent of learned counsel for the parties, following issues are settled:

i. *Whether the plaintiffs are entitled to a decree of recovery for an amount of ₹7,36,62,357.17 (Rupees Seven Crore Thirty Six Lakhs Sixty Two Thousand Three Hundred Fifty Seven and Seventeen paise only) against the defendants? OPP*

ii. *Whether the plaintiff is entitled to interest pendenlite and future? If yes for what period and at what rate? OPP*

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- iii. *Whether the defendants are liable to give rendition of accounts of defendant Nos.1 w.e.f. 12th September, 2012, that is, the date of its incorporation, till date and of defendant No.2 from 10th February, 2010 till date? OPP*
- iv. *Whether the plaintiffs are entitled to a decree of declaration, thereby declaring the Partnership Deeds dated 16th May, 2011, 26th April, 2012 and 4th September, 2014 void ab initio, being forged, fabricated and manufactured documents? OPP*
- v. *Whether the plaintiffs are entitled to a decree of permanent injunction, thereby restraining the defendant Nos.3 to 6 from selling, alienating, transferring, mortgaging, encumbering, disposing of or creating any third party interest in the properties/plots i.e. (i) One Plot bearing No.85, Khasra No.180, Village Mukundpur, Delhi in the name of Sh. Sunder Saini i.e. deceased husband of the plaintiff No.1, (ii) One Plot bearing No.100, Khasra No.180, Mukundpur, Delhi out of which 50 sq.yards is in the name of defendant No.3 and 50 sqy.yards is in the name of plaintiff, (iii) One Plot bearing Khasra No.180, Village Avaadi, Mukundpur, Delhi, which was purchased by the deceased husband of the plaintiff in the name of defendant No.3, (iv) One Plot at Bawana, Sector-5, which is in the name of defendant No.3, which was granted pursuant to the relocation of the factory Amar Metal Works at 357, Village Dhirpur, Main Road, Nirankari Colony, Delhi? OPP*
- vi. *Whether the plaintiffs are entitled to costs of the suit against the defendants? OPP*
- vii. *Relief.*



4. List of witnesses and evidence by way of affidavit of plaintiff's witnesses be filed within four weeks.
5. List of witnesses and evidence by way of affidavit of defendant Nos.1 to 7's witnesses be filed within four weeks thereafter.
6. List before the learned Joint Registrar for fixing the dates of trial on 16th January, 2020.
7. List before Court for monitoring the recording of the evidence on 6th July, 2020.

I.A. 535/2017 (under Order XXXIX Rule 1 and 2 CPC)

List on 6th July, 2020.

MUKTA GUPTA, J.

DECEMBER 03, 2019

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