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

+ **CS(OS) 2376/2013**

M/S KUSHAL INFRAPROJECT INDUSTRIES INDIA LTD

..... Plaintiff

Through **Ms.Smita Maan, Advocate.**

versus

BHOOM SINGH & ORS

..... Defendants

Through **Mr.Rahul Sharma, Advocate for D-1 to 10.**
Mr.Anand Yadav with Ms.Anita Tomar, Advocates for D-11, 12 & 14.
Ms.Sonali Dhir with Ms.Mahima Deepak, Advocates for D-13.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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06.08.2018

With consent of the parties, following issues are framed:-

1. Whether the plaintiff has not approached this Court with clean hands and has concealed the material facts, if so, what effect?

OPD

2. Whether the suit is not maintainable in the absence of any relief of declaration and cancellation in respect of subsequent gift deed dated 01st November, 2012 executed by defendant nos.1 to 4 in favour of defendant nos.7 to 10, sale deed dated 21st August, 2013 executed by defendant nos.7 to 10 in favour



of defendant nos.11, 12 13 & 14 and release deed dated 10th October, 2013 executed by defendant no.4 on behalf of defendant nos.5 & 6 in favour of defendant nos.11, 12, 13 & 14? **OPD**

3. Whether the plaintiff was ready and willing to comply with its part of obligation arising out of the agreement to sell dated 04th March, 2011? **OPP**
4. Whether the plaintiff is entitled to relief of specific performance of the agreement to sell dated 04th March, 2011? **OPP**
5. Whether the plaintiff is entitled to the alternative relief of recovery of damages from defendant nos.1 to 6, as prayed for? **OPP**
6. Whether the plaintiff is not a *bonafide* purchaser and is a speculator and is not entitled to a decree of specific relief? **OPD**
7. Whether the present suit is barred by limitation? **OPD**
8. Whether defendant nos.11, 12, 13 & 14 are *bonafide* purchasers and no relief can be claimed against them? **OPD**
9. Relief.

The parties are directed to file their list of witnesses within a period of four weeks.

The plaintiff shall file its evidence by way of affidavits within a further period of four weeks.

List the matter before the Joint Registrar for recording of plaintiff's evidence on 31st October, 2018.



The Joint Registrar shall list the matter before Court after the entire evidence has been recorded.

MANMOHAN, J

AUGUST 06, 2018
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