

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO.305 OF 2001

Shree Siddhivinayak Developers and Ors. .. Plaintiffs

Vs.

Saraldisha Investments Ltd. and Ors. .. Defendants

Mr. Samir Vaidya for the Plaintiffs.

Mr. Malcolm Siganporia, with Mr. Sandeep Dhangar and Mr. Paras S. Gosar, i/by
Mr. Jayesh R. Vyas, for the Defendants.

CORAM : A. K. MENON, J.

DATE : 23RD JUNE, 2022.

P.C. :

1. Heard learned counsel for the parties.
2. Issues are framed.
3. S.O. to 21st July 2022.

(A.K. MENON, J.)

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ISSUES

- (i) Whether the Suit is bad for mis-joinder of parties being Defendant Nos.3 to 5 ?
- (ii) Whether the Tripartite Agreement dated 1st April 1996, (Exhibit-D to the plaint), was executed only to accommodate the Defendants and in order to assist them in sorting out difficulties faced by the Defendants before the Income Tax Authorities, as pleaded in the plaint in paragraph 7 ?
- (iii) If answer to Issue No.(ii) is in the negative, whether the Defendants are entitled to performance of Plaintiffs' obligations under the Tripartite Agreement (Exhibit-D) ?
- (iv) Whether a sum of Rs.14,23,50,000/- had been advanced by the Defendant(s) to the Plaintiff No.1 under the suit Memorandum of Understanding dated 20th December 1995 and the Tripartite Agreement dated 1st April 1996 ?
- (v) Whether the Plaintiffs prove that a sum of Rs.4,23,50,000/- was payable to the Defendants ? If not, whether a sum of Rs.14,23,50,000/- was payable to the Defendants ?
- (vi) Whether the Plaintiffs are entitled to return of 800 shares of Hill Top Holiday Home Pvt. Ltd.?
- (vii) Whether the allotment and issuance of 2,00,000 shares of M/s. Kimaya Wellness Ltd. by Defendant No.1 to Plaintiff Nos.3 and 4 were null and void and of no effect ?
- (viii) What order ?
- (ix) What reliefs ?

(A.K. MENON, J.)