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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO.1948 OF 1983

Sociedade De Fomento Industrial
Limited ..Plaintiff

Vs.

1.Tulsidas V.Patel Pvt.Ltd .. Defendants
& ors

Mr.R.N.Bhaatjee a/w Ms Arti Bannerjee i/b
Little & Co for Plaintiff
Mr.B.I.Dalvi for Defendant

CORAM : A.V.NIRGUDE, J
DATE : 31ST JULY, 2008

P.C.

Following issues are framed :

ISSUES

1. Whether the suit is barred by limitation ?
2. Whether the suit is bad for improper verification of the plaint?
3. Whether the agreement dated 31.7.73 stood modified in view of the settlement recorded in letter dated 2.5.1974 and confirmed by the defendant no.1 by letter dated 18.5.1974 ?

4. Whether the plaintiff were at all material times ready and willing to carry out all their obligations under the suit agreement ?

5. Whether the plaintiffs are entitled to specific performance of the agreement ?

6. Whether the defendant no. 1 proves that the agreement is not valid and subsisting ?

7. Does the defendant no. 1 prove that the plaintiff committed breach of the agreement ?

8. Whether the defendant no. 1 proves that the suit agreement was terminated and is not binding on them ?

9. In case the plaintiffs are not entitled to specific performance of the agreement to what amount they are entitled to as damages ?

10. Whether the flat on 24th floor of building Kanchanjunga is the suit flat ?

11. What order ?

Parties shall complete inspection and file affidavit of documents in next eight weeks.

{ A.V.Nirgude, J }