

Sharayu.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 295 OF 2012

Kaizar Taher Mithaiwala ...Plaintiff
Versus
Shamima Taher Mithaiwala & Ors. ...Defendants

Mr. Ankit Lohia, *i/b Mohanish Choudhari, for the Plaintiff.*
Ms. Vaidehi Naik, *i/b Mr. Ram Gidwani, for the Defendants No. 1, 2, 3 & 5.*
Mr. Shailesh Nagvadaria, *for the Defendant No. 6.*

CORAM: G.S. PATEL, J
DATED: 23rd September 2015

PC:-

1. Heard. Issues are framed and these are appended to this order.

2. All parties must prepared their respective Affidavits of documents and compilation of documents on or before 30th October 2015. Each party in respective to serve a copy on the Advocates of the other parties. Inspection and statements of admission and denial are to be completed on or before 23rd November 2015.

3. The Suit to be listed for admission and denial and marking of documents on 27th November 2015. If these directions have not been complied with by then, the suit will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiff's documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

(G. S. PATEL, J.)

CERTIFICATE

"Certified to be true and correct copy of the original signed Judgment/Order."

ISSUES FRAMED ON 23RD SEPTEMBER 2015

SUIT NO. 295 OF 2012

1. Whether the Suit as filed is barred by limitation?
2. Whether the plaintiff has a right, title or interest in the suit properties set out at **Exhibits B to F** and **U** or any of them?
3. Whether the Plaintiff has right, title and interest in the properties or shares of Defendant No. 5?
4. Whether the Plaintiff is entitled to the books of accounts or details of the profits and losses of Defendant No. 5?
5. Whether the properties can be divided by metes and bounds and if not whether the properties are required to be sold?
6. Whether Defendant No. 6 is a *bona fide* purchaser for value without notice?
7. Whether the Deed of Conveyance being **Exhibits S** and **T** are liable to be cancelled?
8. What relief and what order, including as to costs?

(G. S. PATEL, J.)