

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

SUIT NO.2256 OF 1998

H.G. Bajaj & Anr. – Plaintiffs.  
V/s.  
Vijay Agarwal & Ors. – Defendants

Ms. Sonal, Adv. i/b. Ravi Goenka, for the Plaintiffs.

Mr. G.B. Kedia, Adv. for the Defendant Nos.1,2,4 and 5.

**CORAM : MRS. ROSHAN DALVI, J.**

**DATE : 17<sup>th</sup> June, 2013.**

**P.C. :**

1. Defendant Nos.1,2,4 and 5 are the contesting defendants.

**I S S U E S**

1. Whether the Plaintiffs agreed to purchase 3,07,650 shares of Defendant No.14 on the four settlement Nos.23, 24, 25 and 26 of 1998/1998 of BSE through Defendant Nos.8 to 13 for payment of Rs.5,62,50,000/- made on or before 25<sup>th</sup> September, 1997.
2. Whether the Defendant Nos.1 to 3 agreed to give loan of Rs.5,62,50,000/- as short term loan to the Plaintiffs upon delivery and possession of 3,07,650 shares repayable by 15<sup>th</sup> January 1998 with interest @12% p.a. thereon.
3. Whether the Plaintiffs became owners of 3,07,650 shares on or about 29<sup>th</sup> September, 1997.
4. Whether the Plaintiffs pledged other shares standing in their names as additional security in a separate and independent transaction and if so on what terms.

5. Whether the Plaintiffs offered their flat being Flat No.73 in Dar-UI-Muluk Society to Defendant No.1 as a security for repayment of the loan.
  6. Whether any other documents entered into by the Plaintiffs were not to be acted upon by the parties.
  7. Whether Defendant Nos.1 to 5 entered into any valid agreement of sale in respect of Flat No.73 in Dar- UI- Muluk Society belonging to the Plaintiffs under an agreement dated 26<sup>th</sup> September, 1997 for consideration of Rs.50 lacs.
  8. Whether Defendant Nos.1 to 4 fraudulently sold 3,07,650 shares pledged by the Plaintiffs with them.
  9. Whether those shares were validly purchased by Defendant No.5.
  10. Whether the Plaintiffs sought to repay the loan amount.
  11. What relief, if any, are the Plaintiffs entitled to?
2. The Plaintiffs shall file their affidavit of evidence as also affidavit of evidence of any other witnesses, if required.
  3. Suit is adjourned to 24<sup>th</sup> July, 2013 for considering the admissibility of the documents of the Plaintiffs.

**( ROSHAN DALVI, J. )**