

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

SUIT NO. 3407 OF 1995

Mr. Prithviraj H. Bajaj & Anr. ...Plaintiffs
Versus
Life Insurance Corporation of India & Ors. ...Defendants

Mr. Ayush Agarwal a/w. Ms. Hemma Daulat i/b M/s. Crawford Bayley and
Co. for plaintiff.
Mr. O. Mohandas i/b M/s. Little and Co. for defendant no.1.

**CORAM : K.R.SHRIRAM, J.
DATE : 29TH AUGUST 2017**

P.C.

1 The following issues arise in the suit :

1. Whether Plaintiffs prove that Defendants were grossly negligent, committed wrongful acts of omission and commission and were guilty of non-feasance and/or misfeasance and/or mal-feasance and/or guilty if not taking care and caution of the building which they were bound to take and that resulted in the death of plaintiffs' son Pranaya ?
2. Whether defendant no.1 proves that defendant no.1 is not responsible to maintain the building namely 'Oval View'?
3. Whether defendant no.1 proves that it is not liable for damages since it has paid cess for the Oval View to the Building Repairs and Reconstruction Board upto 31st January 1995?
4. Whether plaintiff proves that defendant no.1 failed in its duties to carry out proper investigation and neglected various representations made by the occupants of Oval View?
5. Whether defendant no.2 proves that they have carried their statutory duty with care and caution and there have been no negligence on their

part?

6. Whether defendant no.2 proves that death of Pranaya was caused due to accident?
7. Whether plaintiffs prove that defendant nos.2 and 3 failed in its duty to repair and reconstruct the dilapidated buildings and therefore, equally liable for the accident?
8. Whether plaintiffs prove that defendant no.4 failed in its duty to remove structures which are in ruinous condition and are likely to fall?
9. Whether Plaintiffs prove that they are entitled to claim damages to the tune of Rs. 33.89 Crores from Defendants for the death of their son Pranaya Prithviraj Bajaj caused due to wrongful act, neglect and default for want of care and caution misfeasance, malfeasance and non-feasance on the part of Defendants?
10. Whether Plaintiffs prove that Defendants are jointly and/or severally responsible and liable for the damages of Rs. 33.89 Crores?
11. What order? What decree?

2 Parties to file their respective affidavits of documents and complete discovery and inspection and exchange statements of admission and denial with reasons for denial within two weeks from today.

3 The suit is of the year 1995 and on 16th November 2000, Prothonotary and Senior Master, High Court, Bombay had passed directions for filing affidavit of documents and usual orders for discovery and inspection.

Therefore, it is made clear that if this direction is not strictly complied with, parties will not be allowed to rely on any document copies whereof are not annexed to the plaint or written statement or mentioned in the list of documents annexed to the plaint or written statement. It is clarified that the parties may, however, confront the other sides' witness with any document.

4 Plaintiff to file their list of witnesses, affidavit in lieu of examination in chief of their first witness together with compilation of documents and serve a copy thereof upon the defendants on or before 25th September 2017.

5 Stand over to 9th October 2017 for receiving evidence/markings of documents on which date, plaintiff's first witness shall remain present in Court.

(K.R. SHRIRAM, J.)