

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

COMMERCIAL SUIT NO. 575 OF 2018

WITH

NOTICE OF MOTION NO.991 OF 2018

WITH

NOTICE OF MOTION NO.990 OF 2018

IN

COMMERCIAL SUIT NO. 575 OF 2018

Al Turki Enterprises L.L.C.

...Plaintiff

Versus

Kamlesh Rasiklal Shah And 3 Ors.

...Defendants

Mr. Shahbazkhan Sandi a/w Ms. Shaista Pathan i/b YNA Legal, for the Plaintiff.

Ms. Mani Thevar i/b Ganesh & Co., for the Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 3rd DECEMBER 2025

P.C.

1. The matter is on board today for framing of issues.
2. Learned counsel for the Plaintiff tenders a copy of the draft issues. The Court accordingly frames the following Issues.

- i. Whether the Plaintiff proves that the suit is barred by limitation?
- ii. Whether the Plaintiff proves that Defendant No. 1 misused his position as Divisional Head of the Plaintiff Company and indulged in fraudulent activities including falsification of records, stealing and illegal sale of construction material,

misrepresentation resulting in wrongful gains to himself and wrongful losses to the Plaintiff Company?

- iii. Whether the Plaintiff proves that Defendant No. 1 siphoned off funds illegally and Defendant Nos. 2 to 4 acted in cohorts with him?
- iv. Whether the Plaintiff proves that it has a first charge on the properties of the Defendants mentioned at Exhibit 'B' to the Suit?
- v. Whether the Plaintiff proves that it is entitled to a decree against the Defendants for Rs. 21,25,32,757/- with interest @ 12% per annum from the date of the suit till realisation?
- vi. What order?
- vii. What costs?

3. The Plaintiff shall file the affidavit of evidence of the Plaintiff's witnesses along with a compilation of documents and affidavit of documents within a period of eight weeks from today.

4. Stand over to **4th February 2026** under the caption "For Direction".

[ARIF S. DOCTOR, J.]