

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

**SUIT NO. 2571 OF 2008**

M/s. Gundecha Builders .. Plaintiff  
Vs.  
Ajit Danmal Jain & Ors. .. Defendants

Ms.U.M.Jhaveri for plaintiff.

Mr.Deepak Shukla i/b Ms. Vinod Mistry & Co. for defendant nos.1 to 6.

Mr.Sanjay S. Gawde for defendant nos.8, 9 and 10.

Ms.Madhu Hiraskar i/b Chitnis Vaithy & Co. for defendant no.11.

**CORAM : K.R.SHRIRAM, J.  
DATED : 26<sup>TH</sup> JULY, 2016**

**P.C.**

1 The following issues arise in the suit :

1. Whether the plaintiff proves that the suit filed is within limitation?
2. Whether the plaintiff proves that the suit in the name of Partnership Firm is maintainable without the names of all the Partners being disclosed and without joining all of them as party plaintiff to the suit?
3. Whether the plaintiff proves that it was in continuous uninterrupted possession of suit property six months prior to 17.07.2008, i.e., the alleged date of dispossession?
4. Whether the plaintiff proves that the predecessor in title of defendant nos.1 to 7 had executed agreement to sell, Power of Attorney, payment receipts and possession letter?
5. Whether the plaintiff proves that it is entitled to possession from

defendant nos.8 to 10?

6. What decree? What order?

2 The 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 22<sup>nd</sup> August 2016.

3 Stand over to 1<sup>st</sup> September 2016 for marking of documents on which date the plaintiff's first witness shall remain present in Court.

**(K.R. SHRIRAM, J.)**