

Arun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 255 OF 2014

Pravin Viram Satra

...Plaintiff

Versus

Sher Mohammed Azimuddin Sodawala & Ors

...Defendants

Ms Gargi Bhagwat, *i/b Divekar Bhagwat & Co. for the Plaintiff.*

Mr Amar Mishra, *i/b SRH Law Associates, for Defendants Nos. 1 to*

53.

Mr NS Patel, *for Defendant No. 54.*

CORAM: G.S. PATEL, J

DATED: 26th March 2019

PC:-

1. Heard. Issues are framed and these are appended to this order.
2. The Plaintiffs shall, on or before 22nd April 2019, file (i) the evidence affidavit of its first witness; (ii) an affidavit of documents; and (iii) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Defendants on or before that date.
3. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 25th April 2019.

4. There will be no extension of time. In default of compliance, the suit will stand dismissed without further reference to the Court.

5. On the Plaintiffs complying with these directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 29th April 2019, irrespective of the caption under which the matter appears.

(G. S. PATEL, J)

ISSUES FRAMED ON 26TH MARCH 2019

SUIT NO. 255 OF 2014

1. Whether the Plaintiff proves that the Conveyances dated 19th October 2010 (being Exhibits 'B', 'C' and 'D' to the Plaintiff) in respect of the suit property executed by Defendants Nos. 1 to 53 in favour of the Plaintiff are valid and subsisting and being upon the Defendants Nos. 1 to 53?
2. Whether the Plaintiff proves that he is entitled to specific performance of the Conveyances dated 19th October 2010 (being Exhibits 'B', 'C' and 'D' to the Plaintiff) in respect of the suit property as well as the Declarations cum Indemnities dated 19th October 2010 (being Exhibits 'H', 'I' and 'J' to the Plaintiff) signed by Defendants Nos. 1 to 53 in favour of the Plaintiff?
3. Whether the Defendants Nos. 1 to 53 prove that they have validly and lawfully terminated the Conveyances dated 19th October 2010 (being Exhibits 'B', 'C' and 'D' to the Plaintiff), the Declarations cum Indemnities dated 19th October 2010 (being Exhibits 'H', 'I' and 'J' to the Plaintiff) and the irrevocable Power of Attorneys dated 19th October 2010 (being Exhibits 'K', 'L' and 'M' to the Plaintiff) executed by them in favour of the Plaintiff?
4. Whether Defendants Nos. 1 to 53 prove that indemnity bond dated 24th October 2010 and writing dated 9th June 2011 (referred in

paragraph 4 of the their Written Statement) is executed by the Plaintiff in favour of Defendants Nos. 1 to 53 and the same is valid, subsisting and binding upon the Plaintiff?

5. Whether the Defendants Nos. 1 to 53 prove that the suit is not maintainable on account of the plaintiff signing and executing the writing dated 9th June 2011 (referred in paragraph 4 of their Written Statement) in favour of Defendants Nos. 1 to 53?
6. Whether Defendant No. 54 proves that he was put in lawful possession of part of the suit property as claimed by him?
7. Whether Defendant No. 54 proves that the unregistered Agreements dated 10th October 1978 and 4th June 1979 (being Exhibits 'S' and 'T' to the Plaint) executed by the predecessors in title of Defendants Nos. 1 to 53, the Agreement and Confirmation cum Declaration both dated 16th December 2004 (being Exhibits 'U' and 'V' to the Plaint) executed by Defendants Nos. 39, 41, 44, 46, 48 and 50 in favour of Defendant No. 54, and the Agreement and Confirmation cum Declaration both dated 20th September 2006 (being Exhibits 'W' and 'X' to the Plaint) executed by Defendants Nos. 28, 29, 34, 36 and 38 in favour of Defendant No. 54, are valid, lawful and binding on Defendants Nos. 1 to 53 as well as the Plaintiff?
8. Whether the Plaintiff proves that he is entitled to claim damages from the Defendant as per Exhibit 'SS' to the Plaint?
9. Whether the Plaintiff proves that he is entitled to the reliefs as prayed for against the Defendants?

10. What reliefs and order?

(G. S. PATEL, J.)