

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

SUMMARY SUIT NO.88 OF 2002

Prasar Bharati (Broad Casting Corpn. Of India)Plaintiff

V/s.

Western Co-op. Bank Ltd.Defendant

Mr. Kazan Shroff a/w. Mr. Omkar Kelkar i/b. Mr. Anil T. Agarwal for
the plaintiff.

Mr. Rakesh Mishra for the defendant.

CORAM : K.R.SHRIRAM,J

DATE : 1st AUGUST, 2016

P.C.:-

1 The following issues arise in the matter :-

I S S U E S

“1) Whether the plaintiff proves that the suit filed is within limitation?

2) Whether the defendant proves that the bank guarantees were fraudulently issued by the officers of the bank, in collusion with the plaintiff and/or the beneficiaries for deriving unlawful gains for themselves and cause irreparable loss and damage to the defendant?

3) Whether the plaintiff proves that the bank guarantees issued by the erstwhile defendant bank are valid and binding on the defendant?

4) Whether the defendant proves that the plaintiff has suppressed material facts in the plaint and therefore, the suit requires to be dismissed?

5) Whether the plaintiff proves that they are entitled to a decree in the sum of Rs.12,30,00,000/- together with interest thereon @ 18% p.a. from the date of the suit until payment/realisation?

6) What decree? What order?"

2 The counsel for the plaintiff and the defendant state that within one week from today they will file their respective affidavit of documents and also give inspection of the documents. On or before 12th August, 2016 parties to file and exchange their statement of admission and denial with reasons for denial.

3 On or before 29th August, 2016 the plaintiff to file their list of witnesses and affidavit in lieu of examination-in-chief of their first witness and serve a copy thereof upon the defendant.

4 Stand over to 8th September, 2016 for marking of documents on which date the plaintiff's first witness to remain present in court.

(K.R.SHRIRAM,J)