

SUIT NO.3 OF 2010

V/s.

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P.C.:-

1 The following issues arise in the matter.

ISSUES

- (1) Do the plaintiffs prove that the plaintiffs' suit is not barred by law of limitation ?
- (2) Do the plaintiffs prove that the deed of family arrangement dated 19th May, 2001 (and not 9th May, 2001) is void, illegal, non-est, bad in law, unenforceable in law and not binding upon the plaintiffs and or in any event voidable and duly avoided by the plaintiffs ?
- (3) Do the plaintiffs prove that the plaintiffs are entitled to have the Deed of Family Arrangement dated 19th

May 2001 (wrongly mentioned as 9th May 2001)
cancelled ?

(4) Do the plaintiffs prove that the plaintiffs are entitled to an injunction restraining the defendants or any one of them from implementing, acting upon in pursuance of the Deed of Family Arrangement dated 19th May 2001 (wrongly mentioned as 9th May 2001) ?

(5) Do the defendants prove that the plaintiffs and the defendants have acted upon the deed of family arrangement dated 19th May 2001 ?

(6) Do the plaintiffs prove that the properties mentioned in Exhibit 'A' to the plaint belong to their late mother Smt.Hazrabai and her children and that each plaintiff have 8.35% share each in each of the said property ?

(7) Do the defendants prove that, the defendants have allotted to plaintiff no.2 Flat No.1 on 1st floor of New Hazrabai House and a shop standing in the name of defendant nos.3 and 5 as per arrangement dated 19.5.2001 ?

(8) Do the defendants prove that Flat no.10 is given to plaintiff no.2 and that flat no.11 is in defendants' possession and that flat no.8 is not in exclusive

possession of plaintiff no.2 ?

(9) Do the plaintiffs prove that the plaintiffs are entitled to a decree against the defendants for rendering of accounts by the defendants ?

(10) Do the plaintiffs prove that in the alternative, the plaintiffs are entitled to partition by metes and bound of the properties left by the deceased mother viz. Hazrabai ?

(11) What decree ? What order ?

2 Parties to file their respective affidavit of documents and give complete discovery and inspection of the documents and also exchange statement of admission and denial with reasons for denial on or before 28.2.2017. The plaintiffs to file their list of witnesses, affidavit in lieu of examination in chief of the first witness together with compilation of documents and serve a copy thereof upon the defendants by 18.3.2017.

3 Stand over to 27.3.2017 for marking of documents/receiving evidence on which date plaintiffs' first witness shall remain present in court.

4 Since this is a suit of the year 2010 and earlier directions have been passed for filing affidavit of documents etc. no further time will be granted and parties will be restrained to rely only on those documents copies whereof are annexed to the plaint or written statement or referred to in the plaint/written statement and/or in the list of documents annexed therein.

(K.R.SHRIRAM,J)