

Shephali

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

IN ITS COMMERCIAL DIVISION

COMMERCIAL SUMMARY SUIT NO. 113 OF 2019

Saffron Developers Pvt Ltd ...Plaintiff
Versus
Premchand Resorts & Apartments Pvt Ltd Ors ...Defendants

Mr Zain Mookhi, *with Harsha Yadnik, i/b DM Legal Associates, for the Plaintiff.*

Mr Ritesh Jain, *i/ b MJ Juris, for Defendants.*

CORAM: G.S. PATEL, J
DATED: 30th April 2019

PC:-

1. The issues framed today are appended to this order.
2. The previous schedule for filing the evidence affidavit, affidavit of documents and a compilation will need to be changed since issues are framed only today. The Plaintiff shall, on or before 21st June 2019, file (i) the evidence affidavit of the Plaintiff; (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 in two weeks thereafter.

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

5. On the Plaintiff complying with these filing directions, the matter will be taken up for marking of the Plaintiffs' documents and further directions on 12th July 2019, irrespective of the caption under which the matter appears.

(G. S. PATEL, J.)

ISSUES FRAMED ON 30TH APRIL 2019

COMMERCIAL SUMMARY SUIT NO. 113 OF 2019

1. Whether the present suit is barred by the Law of limitation?
2. Whether the Defendants prove that the suit is barred for non-joinder of necessary parties as stated in paragraph 2F in the Written Statement?
3. Whether the Plaintiffs prove that the Plaintiffs are entitled to a decree of Rs. 22,96,26,500/- (Rupees Twenty Two Crores Ninety Six Lakhs Twenty Six Thousand Five Hundred) and a further interest on Rs. 13,00,00,000/- (Rupees Thirteen Crore Only) at the rate of 27% per annum or such other rate as this Hon'ble Court deems fit from the date of the filing of the Suit till payment and/or realization as per the particulars of claim (as set out in Exhibit "M")?
4. Whether the Defendants prove that Plaintiffs claim (as set out in Exhibit "B") stands discharged and satisfied as submitted by the Defendant in paragraph 2B of the Written Statement?
5. Whether the Plaintiff proves that the cheques were issued by the Defendants towards repayment of the loan alleged to have been advanced by the Plaintiff to the Defendant?
6. Whether the Defendants prove that the Hon'ble Court does not have territorial jurisdiction to entertain the present Suit?

7. What relief and what order?
8. What order of costs?

(G. S. PATEL, J.)