

COMS No. 6 of 2019

21.11.2019

Present: Mr. Anand Sharma, Sr. Advocate with Mr. Karan Sharma, Advocate, for the plaintiff.

Mr. Dibender Ghosh, Advocate, for the defendant.

From the pleadings of the parties,

following issues are framed for determination:-

1. Whether the plaintiff is entitled to the ownership and possession of the property with all the rights back to the plaintiff bearing khasra No. 1879 and 1880 situated at Kullu?
OPP
2. Whether in the alternative plaintiff is entitled to the Equity Shares holding of the company to the extent 33% of the Equity Shares of M/s Continental Infra Tech as per the understanding in lieu of the loan amounting to Rs. 30 lacs being invested by the plaintiff? OPP
3. Whether the plaintiff is entitled to interest amount from the date of investment dated 16/10/2007 @ 24% till the pendency of the suit alongwith future interest at the same rate and also till its realization? OPP
4. Whether the plaintiff is entitled to Mandatory injunction for restoring back the possession of the property bearing khasra No. 1879-1880 at Kullu? OPP
5. Whether the plaintiff is entitled to the damages @ 25000/- per month w.e.f 16/10/2007 amounting

to Rs. 40,92,000/- alongwith interest @ 24% till its realization? OPP

6. Whether the plaintiff is entitled to the amount as admitted vide settlement communication dated 12/1/2018 by the defendants to the extent of Rs.One Million alongwih interest @24% P.A till its realization? OPD
7. Whether the suit of the plaintiff is not maintainable in the present state? OPD
8. Whether the plaintiff has no cause of action and suit for injunction is a counter blast? OPD
9. Whether the suit is barred by limitation? OPD
10. Whether the suit of the plaintiff is liable to be dismissed for the act and deed of the plaintiffs? OPD
11. Relief.

Issues have been readover and explained to the parties. No other issue arises or claimed. Now, subject to steps being taken within a week, the matter be listed for the recording of the depositions of the plaintiff's witnesses, on, a date to be fixed by the Registry of this Court.

21st November, 2019
(priti)

(Sureshwar Thakur),
Judge.