

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

SUIT NO. 872 OF 2014

Kanchan Dhirajlal Paurana ... Plaintiff

Versus

Ajit Shantilal Paurana & Anr. ... Defendants

**ALONG WITH
CHAMBER SUMMONS NO. 772 OF 2015**

**IN
SUIT NO. 872 OF 2014**

Mr. Gauraj Shah i/b. S.Kothari & Company for the Plaintiff.
Mr. Madhusoodan Nair i/b. KPMC Legal for Defendant No. 1.

**CORAM : S.J. KATHAWALLA, J.
DATED : 26TH AUGUST, 2015**

P.C.:

Heard the learned Advocates appearing for the Plaintiff and Defendant No. 1 and the following issues are framed by consent :

1. Whether the Defendant No. 1 proves that the Suit as filed by the Plaintiff is without any cause of action ?
2. Whether the Plaintiff proves that the Suit is maintainable against both the Defendants ?
3. Whether the Plaintiff by her uninterrupted and open stay in the Suit flat has acquired title therein by virtue of adverse possession ?
4. Whether the Plaintiff as the only heir of late Dhirajlal Paurana is

- solely entitled to the ownership and membership in the Suit flat ?
5. Whether the Plaintiff proves that the Nomination Form and the Will relied upon by the Defendant No. 1 in Testamentary Suit No. 104 of 2009 are bogus, illegal, invalid and of no effect whatsoever ?
 6. Whether the Defendant No. 2 is liable to transfer the membership in respect of the Suit in favour of the Plaintiff ?
 7. Whether the Plaintiff is entitled for the reliefs including mandatory injunction as prayed for ?
 8. What order ?

In view of the above issues are being framed by consent, the learned Advocate appearing for Defendant No. 1 seeks to withdraw the above Chamber Summons. The above Chamber Summons is therefore disposed of as withdrawn.

The Plaintiff shall file her Affidavit of Evidence, Affidavit of Documents and Compilation of Documents on or before 22nd September, 2015. The Defendants shall also file their Affidavit of Documents and Compilation of Documents on or before 22nd September, 2015.

Stand over to 23rd September, 2015 for directions.

(S.J. KATHAWALLA, J.)