

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

**CHAMBER SUMMONS NO.30 OF 2016
IN
SUMMARY SUIT NO.3068 OF 2010**

Bakhtawar Constructions Pvt. Ltd. & Ors.Applicants/Plaintiffs

V/s.

United Breweries Ltd. and Anr.Defendants

Mr. Rahul Narichania, senior advocate a/w. Ms. Rujuta Joshi i/b.
ALMT Legal for the applicants/plaintiffs.

Dr. Birendra Saraf a/w. Ms. Pooja Kshirsagar i/b. Kanga and Co. for
the defendants.

CORAM : K.R.SHRIRAM,J

DATE : 26th October, 2016

P.C.:-

1 Heard the counsel for both the parties. The issues as
settled on 1st December, 2015 are recast and renumbered as under :

I S S U E S

“1) Whether the plaintiffs prove that this court has
jurisdiction to receive, try and dispose of this suit?

2) Whether the plaintiffs prove that the suit filed is
within limitation?

3) Whether the plaintiffs prove that the only business
of defendant no.2 was brewery business?

4) Whether the plaintiffs prove that defendant no.1 is
a successor or permitted assign of defendant no.2 in
respect of the brewery business of defendant no.2?

5) Whether the plaintiffs prove that the demerger of brewery business of defendant no.2 with defendant no.1 with effect from 1st April, 2005 does not in any manner affect the rights of the plaintiff to recover the amounts under clause IIIA of the STASA?

6) Whether the plaintiffs prove that the contingencies mentioned in Clause IIIA of STASA dated 19th January, 2001 have arisen in the manner stated in the plaint.

7) Whether the plaintiffs prove that they are entitled to a decree in the sum of Rs.3.23 crores against the defendants together with interest thereon @ 18% p.a. from the date of the suit until payment/realisation?

8) What decree? What order?

2 The chamber summons accordingly stands disposed.

3 The counsel for the plaintiffs and the defendants state that they have filed their respective affidavit of documents. The counsel further state that within three weeks from today they will take inspection of each others documents and also file and exchange their statement of admission and denial with reasons for denial.

4 On or before 9th December, 2016 the plaintiffs also to file their list of witness and affidavit in lieu of examination in chief of the first witness together with compilation of documents and also serve a

copy thereof upon the defendants.

5 The suit to be listed on 16th December, 2016 at 3.00 p.m.
for marking of documents/receiving evidence on which date the
plaintiffs' first witness shall remain present in court.

(K.R.SHRIRAM,J)