

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1467 OF 2018
IN
SUIT NO. 101 OF 2008**

Shaila Ulhas Kandalgaonkar & Ors	...Plaintiffs
<i>Versus</i>	
Hemlata Gangadhar Khedekar & Ors	...Defendants

**An Advocate, i/b Vigil Juris, for the Plaintiffs/Applicants.
Mr Sameer Khedekar, for Defendants Nos. 2 to 4.**

**CORAM: G.S. PATEL, J
DATED: 8th January 2019**

PC:-

1. Issues were framed on 29th March 2010 in the suit for specific performance. The Defendants have filed this Chamber Summons, in my view quite unnecessarily, seeking an amendment of the issues. The schedule sets out the proposed issues.

2. I will permit the Chamber Summons to this extent: I will add the proposed issues (i), (ii) and (iii) but will not permit the deletion of any of the existing issues.

3. Issues as re-framed are for convenience appended to this order.

4. The Chamber Summons is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)

ISSUES FRAMED ON 3RD JANUARY 2019

SUIT NO.

1. Whether the suit is barred by the law of limitation?
2. Whether the Defendants are bound and liable to perform their obligations under Clause 2 and 18 of the MoU dated 1st January 2003?
3. Whether the MoU between the parties is a contingent contract which has become impossible of performance by the contingency?
4. Whether the Plaintiffs prove that there was a concluded agreement between the Plaintiffs and Defendants under the Memorandum of Understanding dated 1st January 2003?
5. Whether the Plaintiffs prove that they are entitled for the specific performance under clause 2 * 18 of the Memorandum of Understanding dated 1st January 2003 directing the Defendants to perform their obligation?
6. Whether the Plaintiffs prove that in alternative to the main prayer, the Plaintiffs are entitled to damages in sum of Rupees 5 crore as specified in the particulars of the Plaintiffs claim, annexed as *Exhibit "J"* to the plaint?
7. To what relief, if any, is the Plaintiffs entitled?

(G. S. PATEL, J.)