

Santosh

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

**INTERIM APPLICATION NO. 193 OF 2020
IN
SUIT NO. 3762 OF 2002**

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
KULKARNI
Date: 2023.01.20
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Maharashtra Tourism Development
Corporation Limited

...Applicant

In the matter between

K. Raheja Corp Pvt. Ltd. (Formerly known
as Paramount Hotels Ltd.)

...Plaintiff

Versus

Maharashtra Tourism Development
Corporation Limited

...Defendant

Mr. Snehal Shah, a/w Ms. Samidha Vedpathak, i/b Maneksha
Sethna, for the Plaintiff.

Mr. S. P. Bharti, for the Defendant.

CORAM: N. J. JAMADAR, J.

DATED : 18th JANUARY, 2023

PC:-

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the parties submit that the application may be disposed by recast of issues in terms of draft issues filed on behalf of the plaintiff.
3. With the consent of the parties, the issues stand recast as under:

1. Whether the plaintiff proves that they performed their obligation under the MOU dated 20.03.1995 signed between the plaintiff and the defendant?
2. Whether the plaintiff proves that they were ready and willing to perform their part of obligation under the MOU dated 20.03.1995?
3. Whether the plaintiff proves that the defendant failed to perform their obligations under MOU dated 20.03.1995?
4. Whether the plaintiff was illegally dispossessed?
5. Whether the plaintiff proves that the plaintiff protected the suit property from encroachments and incurred large amount of expenses?
6. Whether the termination of agreement by the defendant was wrongful and illegal?
7. Whether the defendant proves that they were entitled to forfeit the sum of Rs.29,00,000/- upon the alleged termination of the MOU dated 20.03.1995?
8. Whether the plaintiff is entitled to damages on account of termination of MOU dated 20.03.1995?
9. What relief?

4. Application stands disposed.
5. The plaintiff shall, on or before 15th February, 2023, file (i) the evidence affidavit of the plaintiffs' first witness; (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 before that date.
6. The defendant shall, on or before 8th March, 2023, file (i) an affidavit of documents; and (ii) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the plaintiffs on or before that date.
7. Discovery and inspection is to be completed and statements of admission and denial are to be exchanged on or before 15th March, 2023.
8. On the plaintiff complying with these directions, the matter will be taken up for marking of the plaintiffs' documents and further directions on 23th March, 2023, irrespective of the caption under which the matter appears.

[N. J. JAMADAR, J.]