

**BEFORE THE COMMERCIAL COURT & II ADDL. DISTRICT &
SESSIONS JUDGE AT: MYSURU.**

Com.OS No.43/2020

Plaintiffs : M/s Hindustan Power Plus Ltd.,
Punapalli Village, Mathagondapalli Post,
Hosur Taluk, Tamilnadu, Reptd.,by GPA
Holder Divisional Manager,
United Indian Insurance Co.Ltd.,
Divisional Office, Bengaluru and another

-Vs-

Defendants: Y.G.Naik, the proprietor,
M/s Friendly Transport (r),
New Santhepet, Mysuru and another

ISSUES

1. Whether the Plaintiff No.1 insured /consignor proves that it has entrusted a consignment of Imported Caterpillar make 50 Hz UPS from M/s Caterpillar SARL, Singapore to the Defendants on 17.02.2001 for Transshipment from Hosur to Pragathi Maidan at New Delhi ?
2. Whether the Plaintiff No.1 consignor proves that when the said consignment was entrusted to the Defendants the same was in sound condition prior to its transit from Hosur as contended in para No.6 of the plaint ?
3. Whether the Plaintiff No.1 proves that when the consignment was unpacked in the presence of the driver of the defendants in which the consignment was transported, the surveyor M/s R.L.Agarwal and the representative of the supplies Mr.Hannah Tsang it was totally in a damaged condition and the cause of loss and damage was due to the mishandling of the consignment during the transit as contended in para No.9 of the plaint?

4. Whether the Plaintiff No.1 proves that though he has repeatedly called upon the defendants to issue the open delivery certificate they have failed and neglected either to issue open delivery letter or to settle the claim of the plaintiff ?
5. Whether the Plaintiff No.1 proves that it has executed letter of subrogation and Special Power of Attorney dated 11.09.2001 in favour of the 2nd plaintiff and as such the 2nd plaintiff has been subrogated to the rights of the 1st plaintiff as contended in para 20 of the plaint?
6. Whether the defendants prove that there was no cause of action for the suit?
7. Whether the defendants prove that the suit is barred by time ?
8. Whether the defendants prove that the survey report obtained by the 2nd plaintiff is illegal in order to suit the claim ?
9. Whether the defendants prove that the court fee paid on the plaint is not proper and sufficient?
10. Whether the Plaintiffs prove that they are entitled to the suit claim assessment loss amounting to Rs.39,00,553/- with interest at 18% p.a.,?
11. What Order or Decree ?

Dated 13th day of December 2024.

(B.K.Ravikantha)

Presiding Officer, Labour Court, Mysuru
C/c II Addl. District & Sessions Judge,
Mysuru.

