

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

**SUIT NO. 1862 OF 2002**

Shri Ram Salve  
Prop. of Ganesh Container Movers  
Syndicate .. Plaintiff  
Vs.  
M/s. Mitsui O.S.K.Lines Ltd. & Ors. .. Defendants

Mr.Uday Shelke i/b J.M. D'silva for plaintiff.

Mr.Zubin Behramkamdin a/w. Ms.Poorva Garg i/b Mulla and Mulla for defendant nos.1 and 2.

**CORAM : K.R.SHRIRAM, J.  
DATED : 18<sup>TH</sup> FEBRUARY, 2015**

**P.C.**

- 1 The following issues arise in the suit :
1. Whether the plaint discloses any cause of action against defendant nos.1 and 2?
  2. Whether the plaintiff proves that there is a sum of Rs.5,31,96,689/- as outstanding dues on hire of vehicles as on 31<sup>st</sup> March 2002 and the defendants are bound and liable to pay the same to the plaintiff?
  3. Whether the plaintiff proves that there is a sum of Rs.29,73,45,698/- as arrears and compensation charges, payable by the defendants and the defendants are bound and liable to pay the same to the plaintiff?
  4. Whether the plaintiff proves that defendant no.3 paid on behalf of defendant nos.1 and 2 a sum of Rs.25,00,000/- against the outstanding dues which cheque got dishonoured thereby admitting liability of defendant nos.1, 2 and 3?

5. Whether the plaintiff proves that the plaintiff suffered loss in the sum of Rs.14,40,00,000/- due to non-receipt of payment from the defendants and loss to goodwill and the defendants are bound and liable to pay the same?
6. Whether the plaintiff proves that the plaintiff is entitled to a decree in the sum of Rs.49,45,42,387/- with interest thereon at 18% per annum from the date of the suit till payment/realization?
7. What decree? What order?

2 The time for the parties to file their respective affidavit of documents is extended upto and including 5<sup>th</sup> March 2015. It is made clear that no further time will be granted.

3 The plaintiff to file their list of witnesses, affidavit in lieu of examination in chief of their first witness together with compilation of documents and serve a copy thereof upon the defendants on or before 20<sup>th</sup> March 2015.

4 Stand over to 9<sup>th</sup> April 2015 for marking of documents on which date the plaintiff's first witness shall remain present in Court.

**(K.R. SHRIRAM, J.)**