

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

SUIT NO. 634 OF 2005

M/s. The Prag Bosmi Synthetic Ltd. .. Plaintiff
Vs.
The New India Assurance Co. Ltd. .. Defendant

Mr.Rahul Theckedath i/b Ajay Law Associates for plaintiff.

Ms.Aditi Pawar i/b Motiwala & Co. for defendant.

**CORAM : K.R.SHRIRAM, J.
DATED : 28TH AUGUST, 2014**

P.C.

- 1 The following issues arise in the suit :
1. Whether the plaintiff proves that the suit is filed within limitation?
 2. Whether the plaintiff proves that the consignment covered under Marine cum Erection policies dated 11.12.1990 and 16.02.1993 respectively arrived in wet and damaged condition at the Port?
 3. Whether the plaintiff proves that the loss/damage to the cargo was caused by Risk Covered by the policy?
 4. Whether the defendant proves that the plaintiff has suppressed various documents in the plaint and in lieu thereof, the suit is required to be dismissed in limine with costs?
 5. Whether the plaintiff proves that they are entitled to a decree in the sum of Rs.34,97,75,437/- together with further interest thereon at 18% per annum from the date of filing of the suit until payment and/or realisation?

6. What decree ? What order ?

2 The counsel for the plaintiff states that they will file and serve a copy of the list of witnesses, affidavit in lieu of examination in chief of their first witness together with compilation of documents on or before 20.09.2014.

3 Stand over to 29.09.2014 for marking/admissibility of documents, on which date, the plaintiff to keep their first witness present in Court.

(K.R. SHRIRAM, J.)