



ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
COMMERCIAL DIVISION

CS-COM/91/2024
[OLD NO CS/11/2018]

SAURABH GUPTA
VS
ROYAL SUNDARAM GENERAL INSURANCE
COMPANY LIMITED & ANR.

BEFORE:
THE HON'BLE JUSTICE SUGATO MAJUMDAR
Date: 20th January, 2025

Appearance:

Ms. Suchismita Ghosh, Adv.
Mr. Abir Lal Ghosh, Adv.
Mr. Moloy Kumar Seal, Adv.
...for the Plaintiff

Mr. Avinash Kankani, Adv.
Mrs. Arunima Lala Sengupta, Adv.
Mr. Suman Majumdar, Adv.
...for the Defendant no. 1

Mr. Sayantan Bose, Adv.
Ms. Pooja Chakrabarti, Adv.
Ms. Arti Bhattacharya, Adv.
Mr. Sagnik Aditya, Adv.
...for the Defendant no. 2

The Court: Heard Mr. Bose, the Learned Counsel for the Defendant no. 2.
Liberty is given to the Learned Counsel to file the written notes of argument along
with compilation of judgments.



Issues are recast as follow:

1. Whether this Court has jurisdiction to entertain the suit?
2. Whether the suit is maintainable under the law? Whether the suit is barred by any law?
3. Whether the suit discloses any cause of action?
4. Whether there was any valid and subsisting insurance policy between the Plaintiff and the Defendants in particular the Defendant no.1?
5. Whether the goods of the Plaintiff were damaged in fire? Whether the fire was attributable to any negligent or any fault of the Plaintiff?
6. Whether the Defendant no. 1 duly and properly assessed? What should be the actual assessment of loss and damage of the Plaintiff?
7. Whether the settlement agreement dated 23/06/2017 was duly executed and binding between the parties or whether the execution of the agreement was vitiated with coercion or undue influence?
8. Whether the Defendants or any of them was justified in reducing facilities granted to the Plaintiff?
9. Whether the Defendants either jointly or severally justified in adjusting a sum of Rs.1,94,46,960/- or any other sum against the facilities.
10. Whether a relationship of Principal-agent between the Defendants?
11. Whether the Plaintiff is entitled to the reliefs prayed for?



12. Whether the Defendants jointly and/or severally liable to the Plaintiff?

13. What other relief or reliefs the Plaintiff is entitled to?

Fix 11th February, 2025 for further argument.

(SUGATO MAJUMDAR, J.)