



2026:CHC-OS:345

OC-2

ORDER SHEET  
IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE  
COMMERCIAL DIVISION

CS/11/2018  
IA NO: GA/3/2019  
(Old No:GA/719/2019)

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

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date: 13<sup>TH</sup> DECEMBER, 2022.

Appearance:  
Mr. Swarnendu Ghosh, Adv.  
Mrs. Suchismita Ghosh, Adv.  
Mr. Abir Lal Ghosh, Adv.  
Mr. Akash Munshi, Adv.  
Mr. Moloy Kumar Seal, Adv.  
..for the plaintiff

Mr. Avinash Kankani, Adv.  
Mr. Suman Majumder, Adv.  
..for the defendant No. 1

Mr. Sayantan Bose, Adv.  
Ms. Radhika Mishra, Adv.  
..for the defendant No. 2

The Court: Counsel for the respective parties are present and file their admission and denial as well as suggested issues. Let admission and denial filed by the parties be kept with the record. After hearing the parties and after going through suggested issues, the following issues are :

1. Whether the surveyor's report and the supplementary report both dated 12<sup>th</sup> May, 2017 on which the defendant No. 1 relies are



prima facie erroneous as they contain wrong and incorrect findings and are liable to be set aside ?

2. Whether the settlement voucher dated 23<sup>rd</sup> June, 2017 is null and void and liable to be delivered up and cancelled on account of the plaintiff having signed the same under coercion and undue influence of defendant No. 1 ?
3. Whether the plaintiff has contemporaneously denied the settlement voucher dated 23<sup>rd</sup> June, 2017 ?
4. Whether the defendant No. 2 could have adjusted the amount of Rs.1,94,46,960/- against the credit facilities of the plaintiff ?
5. Whether the defendants are jointly and severally not liable to pay Rs.34,24,97,751/- to the plaintiff ?
6. To what relief/s the plaintiff is entitled ?
7. Whether the plaintiff suffered any loss or damage due to fire, and if so, to what extent ?
8. Whether the assessment of the plaintiff of the alleged loss of a sum of Rs. 10,74,79,736/- is tenable ?
9. Whether the purported auditor's report dated 29.03.2017 can be the basis of assessment of the alleged loss and damages suffered by the plaintiff ?
10. Does this Hon'ble High Court have jurisdiction to try and entertain the present suit ?
11. Whether the defendant No. 2 has acted in connivance with the defendant No. 1, as alleged by the plaintiff in paragraph No. 31 of the plaint ?



12. Whether actions of the defendant No. 2 can constitute breach of trust, as alleged by the plaintiff in paragraph No. 31 of the plaint ?

Counsel for the plaintiff submits that he intends to disclose further some documents but till date plaintiff has not disclosed the said documents to the Counsel for the defendant.

Hence, the case is fixed for witness action on 19<sup>th</sup> January, 2023.

In the meantime, petitioner is at liberty to disclose the documents.

(KRISHNA RAO, J.)

Sbghosh