

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
(Commercial Division)

CS/265/2019

DESMET REAGENT PVT LTD
VS
HDFC ERGO GENERAL INSURANCE CO LTD AND ORS

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : 18th July, 2023.

Appearance:

Ms. Somali Bhattacharjee, Adv.
..for the plaintiff

Ms. Anjana Banerjee, Adv.
..for the defendant No. 1

The Court: Counsel for the respective parties are present.

Counsel for the defendant has filed affidavit of documents. Let the same be kept with record.

Both the parties have filed their suggested issues.

After considering the suggested issues, pleadings and submissions made by the Counsel for the respective parties, the following issues are framed :-

-: I S S U E S :-

1. Whether the Marine Cargo Insurance Policy No. 24152022266998300000 dated June 13, 2018 issued by the defendant No.1 against valuable consideration amounting to USD 117600 is binding and obligatory upon the defendants?

2. Whether the plaintiff is entitled to the entire sum assured under the Marine Cargo Insurance Policy No. 24152022266998300000 issued by the defendant No.1 on 13th June, 2018?
3. Whether the purported contents of the letter issued by the defendant No.1 on 28th February, 2019 are false and/or mala fide and/or inoperative in the facts of the case?
4. Whether the electronic mail dated August 14, 2018 issued by the defendant No.2 has any implication or relevance to the application of the plaintiff for settlement of claim against loss of cargo under the Marine Cargo Insurance Policy No. 24152022266998300000 dated June 13, 2018?
5. Whether the plaintiff is entitled to a payment for principal amount of Rs.1,08,31,160/- from the defendant No.1?
6. Whether the plaintiff is entitled to interest pendente lite and interest upon judgment as against the defendants?
7. To what other and further relief is the defendant entitled?
8. Whether the plaintiff is entitled to any further and other reliefs?

Counsel for the plaintiff is directed to file Judge's Brief of Documents within two weeks.

Let the matter appear on 10th August, 2023 for witness action.

(KRISHNA RAO, J.)