



OCD-6

IN THE HIGH COURT AT CALCUTTA
Admiralty Jurisdiction
(Commercial Division)
ORIGINAL SIDE

AS/4/2010
IA NO: GA/1/2010(Old No:GA/2959/2010),
GA/3/2011(Old No:GA/3419/2011),
GA/4/2012(Old No:GA/2527/2012),
GA/5/2013(Old No:GA/1756/2013),
GA/8/2018(Old No:GA/3384/2018)

RASHMI METALIKS LIMITED
VS
THE OWNERS & PARTIES INT. IN
THE VESSEL M.V. VAN NICE

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 9th April, 2024.

Appearance:
Mr. Sakya Sen, Adv.
Mr. S. Nag, Adv.
Mr. C. Gupta, Adv.
Mr. A. Guha, Adv.
Ms. S. Agarwa, Adv.
Ms. A. Chopra, Adv.

The Court: Heard the parties.

The following issues are framed for consideration:

- I. Whether the defendant has acted in breach its duty of care and caution and its obligations as pleaded in paragraph 21 of the plaint?
- II. Whether the plaintiff is entitled to recover damages from the defendant as claimed in paragraph 28 of the plaint?
- III. Whether the plaintiff mis-declared or misrepresented the moisture content in the subject goods to be carried by sea?



- IV. Whether the defendant is entitled to seek declaration for delivery up and cancellation of the Mate's Receipt and Bill of Lading as pleaded in paragraph 7 of the written statement?
- V. Whether the defendant is entitled to damages from the plaintiff on account of mis-declaration or misrepresentation made by the plaintiff to the defendant?

The parties are at liberty to obtain the original of all records in the suit after complying with all necessary formalities.

Let this suit appear before the Court having determination in the monthly list of August, 2024.

(RAVI KRISHAN KAPUR, J.)

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