



2023:CHC-OS:3559

ocd 25 & 26

IN THE HIGH COURT AT CALCUTTA
Admiralty Jurisdiction
ORIGINAL SIDE

IA NO. GA-COM/15/2025
In AS/4/2010
RASHMI METALIKS LIMITED

Vs

THE OWNERS & PARTIES INT. IN THE VESSEL M.V. VAN NICE

IA NO. GA-COM/16/2025
In AS/4/2010
RASHMI METALIKS LIMITED

Vs

THE OWNERS & PARTIES INT. IN THE VESSEL M.V. VAN NICE

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : February 6, 2025

Mr. Sakya Sen, Sr. Adv.
Mr. Subhankar Nag, Adv.
Mr. Chayan Gupta, Adv.
Mr. Avishek Guha, Adv.
Mr. Debika Misra, Adv. ...for plaintiff.
Mr. Soumabho Ghose, Adv.
Ms. Riti Basu, Adv.
Mr. Ayant Shaw, Adv. ...for defendant.

GA-COM/15/2025

The Court :- This is an application filed by the defendant in Admiralty
Suit No. 4 of 2010, for the following reliefs:-

- (a) The ongoing cross-examination of the plaintiff's witness and further examination of plaintiff's other witnesses should be held before this Court.
- (b) In the alternative, the plaintiff's witnesses to be examined before the learned Commissioner, but the entire process should be video graphed.

Mr. Ghosh, learned Advocate for the petitioner submits that during the course of cross-examination, the learned Advocate for the plaintiff raised unnecessary objections to each and every question and also prompted the witness.

Under such circumstances, it would be beneficial for the parties to proceed with the examination of the plaintiff's witnesses in Court.



Having perused the averments of the minutes of the learned Evidence Commissioner as also the trend of cross-examination, this Court does not deem it necessary to allow this application. It is the standard form of cross-examination that, even leading questions can be put to the witness. However, the learned Advocate cross-examining the witness should bear in mind the relevance of the questions to the lis involved, or else the exercise will be a sheer wastage of time. Unnecessary questions which do have any bearing in the proceeding should be avoided. Cross-examination should be completed with promptitude.

Under such circumstances, with the observation as above, GA-COM/15/2025 is disposed of with a direction upon the learned Advocates of the respective parties to conform to the basic parameters while continuing with the witness action. The cross-examination of the witness which is going on shall be concluded within a maximum of two sittings, dates of which should be fixed by the learned Commissioner, with no further extension.

GA-COM/16/2025

This is an application filed by the plaintiff in Admiralty Suit no. 4 of 2010, with a prayer for extension time for Commissioning by a further period of twelve months. It is submitted on behalf of the plaintiffs that two further witnesses are required to be produced for examination and cross-examination.

Under such circumstances, considering the nature of the proceeding, the prayer for extension of the Commissioning by a further period of twelve months is allowed.

Accordingly, the application stands allowed. The commissioning is extended by another twelve months.

(SHAMPA SARKAR, J.)