



OCD-1

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ADMIRALTY JURISDICTION
(COMMERCIAL DIVISION)
ORIGINAL SIDE

IA NO. GA-COM/17/2026

In

AS/4/2010

RASHMI METALIKS LIMITED

Vs

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

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 23rd February, 2026.

Appearance:

Mr. Subhankar Nag, Adv.

Mr. Avishek Guha, Adv.

Mr. Chayan Gupta, Adv.

Ms. Arunima Dutta, Adv.

For plaintiff in AS No. 4 of 2010

Mr. Soumabho Ghose, Adv.

Mr. S.K. Singhi, Adv.

Ms. Riti Basu, Adv.

Ms. Ayant Shaw, Adv.

For defendant/petitioner in GA-Com/17/2026

The Court:- This is an application by the sole defendant in an admiralty suit for extension of the writ of the Commissioner appointed for the purpose of recording the evidence of the witnesses of the plaintiff and the defendant in Commission.



By an order dated 9th April, 2024 as extended by an order dated 6th February, 2025, the examination of the plaintiff's and the defendant's witness was directed to be completed before the Commissioner by 5th February, 2026.

It is submitted that though two witnesses of the plaintiff have been examined-in-chief and have been fully cross-examined but the defendant's witness/witnesses have not yet been examined. The defendant says that for the time being they have two witnesses who are required to be examined and cross-examined before the Commissioner. The defendant, therefore, seek extension of the writ/mandate of the Commissioner for concluding the recording of evidence of the defendant's witness/witnesses. Although, the Commissioner was appointed for recording the evidence as far back as 9th April, 2024 and about two years have elapsed but the recording of witness could not be concluded despite their being an extension of time already given by the Court. The whole object of a commercial litigation as provided under the Commercial Courts Act, 2015 is expeditious disposal of the matter. If the parties delay in completing their evidence the whole object of the said Act will get frustrated. However, for the ends of justice, the time to complete the examination and cross-examination of the defendant's two witnesses is extended up till 25th September, 2026.

It is expected that the parties should be diligent enough to complete the evidence by the extended period of time which is the second extension.



The Commissioner is also requested not to grant unnecessary adjournment to either of the parties and make an endeavour to complete the witness action by the extended period of time. The suit is made returnable before the appropriate Bench on 9th October, 2026 when the Commissioner is expected to file his report.

Needless to mention that the remuneration of the Commissioner as fixed by the order dated 9th April, 2024 shall be borne equally by the parties.

The venue and other incidental charges including the secretarial support necessary for the Commissioner shall be borne by the defendant. The parties will, however, bear their own advocate cost.

Nothing further remains to be adjudicated in this application.

The application being IA No. GA-Com/17/2026 is, accordingly, disposed of.

(ARINDAM MUKHERJEE, J.)

Sb/