

ORDER SHEET

APOT/126/2025
WITH
AS-COM/1/2025
IA No.GA-COM/1/2025, GA-COM/2/2025

IN THE HIGH COURT AT CALCUTTA
Commercial Appellate Division
ORIGINAL SIDE

TARSONS PRODUCTS LIMITED
VERSUS
THE OWNERS AND PARTIES INTERESTED IN MV SOL PROGRESS
(IMO NO.9322865) AND ORS.

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
AND
The Hon'ble JUSTICE OM NARAYAN RAI
Date : 6th May, 2025.

Appearance:

Mr. K. R. Thaker, Sr. Adv.
Ms. Sreenita Ghosh Dastidar, Adv.
Ms. Sneha Singhanian, Adv.
Ms. Rishita Sarkar, Adv.
..for the appellant

Mr. S. N. Mookherjee, Sr. Adv.
Mr. Shaunak Mitra, Adv.
Mr. Subhrajyoti Mookherjee, Adv.
Mr. Amitava Majumdar, Adv.
Mr. Ruchir Goenka, Adv.
Mr. Ashutosh Tiwari, Adv.
Mr. Souvik Kundu, Adv.
..for the respondent no.1

The Court: This appeal is directed against an order dated May 2, 2025 passed on an application filed by the appellant in a suit filed by it being AS-COM/1/2025.

The appellant/plaintiff sought arrest of the defendant no.1 vessel on the basis of the allegation that its consignment of cargo that was being

carried by the defendant vessel, upon transshipment, has been damaged. Accordingly, the Admiralty Jurisdiction of this Court has been invoked by the plaintiff.

On May 1, 2025, the learned Single Judge passed an order of injunction restraining the vessel from sailing out of the Port of Kolkata without the leave of Court.

On May 2, 2025, learned Advocates appeared for the defendant no.1 vessel. Upon hearing both the parties, by a detailed order, the learned Single Judge lifted the order of injunction. His Lordship held that the matter requires to be heard out on affidavits. Accordingly, direction for affidavits was given. After exchange of affidavits, the matter has been directed to appear in the monthly list of July, 2025. Being aggrieved, the plaintiff has come up by way of this appeal.

We have heard Mr. Thaker, learned Senior Counsel representing the appellant/plaintiff, at some length. We consciously refrain from making any comment on the argument advanced on behalf of the appellant lest it may have an effect on the proceedings before the learned Single Judge as we are not inclined to intervene at this stage. Prima facie, it cannot be said that there is any such perversity in the order under appeal which warrants interference with the order.

However, we prepone the dates for filing of affidavits. Let affidavit-in-opposition to the plaintiff's application be filed by the defendants within May 13, 2025; reply thereto, if any, be filed by the plaintiff by May 16, 2025.

We are conscious that the summer vacation is fast approaching. However, since this is an admiralty matter and generally the Courts have

attached some degree of urgency to such matters, we request the learned Single Judge to consider hearing out the application this side of the summer vacation to the extent the same is possible.

The appeal and the connection applications are disposed of accordingly.

We clarify that we have not applied our mind to the merits of the matter at all.

The learned Single Judge is requested to decide the application without being influenced by any observation in this order.

(ARIJIT BANERJEE, J.)

(OM NARAYAN RAI, J.)

bp.