

Title Suit 1047 of 2020

Present: Sri Subhash Kumar Kar, Judge, Bench-V (WB00592)
Order no. 39//dated-06.01.2026

Plaintiff files hazira.

Date is fixed for hearing of the petition dated 10.11.2025.

Heard the Ld. Advocate of the plaintiff on the petition.

Seen the record.

This application is filed by the plaintiff with the prayer to appoint a competent person to evaluate/quantify/assess the losses and damages suffered by the plaintiff in terms of paragraph 9 of the plaint.

On perusal of the record, it appears that this is a suit for declaration of compensation for damages and defamation and it is mentioned in paragraph 9 of the plaint that the defendant even after receipt of the demand notice engaged antisocial and made continuous phone calls and in such compelling situation the plaintiff served another notice dated 29.10.2020 upon the defendant no. 3 demanding additional amount of Rs.15,00,000/- only and a total demand was raised to the extent of Rs.25,00,000/- and they received the said notice on 04.11.2025 and despite receipt of the notice they did not stop making

calls and thereby violated the terms of license/grant/sanction issued by the defendant no. 4.

Since the above averments give rise to the question of facts it is incumbent upon the plaintiff to prove the same on trial and the relief prayed for in the suit depend upon the quality of evidence to be adduced by the plaintiff and the damages or losses if any, suffered by the plaintiff due to any act of the defendant it is to be assessed only on the basis of the evidence to be adduced by the plaintiff and any assessment of damages before the trial amounts to predetermination of the reliefs before the trial is being held.

Therefore, in view of the above observations the instant petition is liable to be rejected.

Hence, it is

ORDERED

that the petition dated 10.11.2025 filed by the plaintiff stands rejected but without any cost.

Fix 12.03.2026 for ex-parte hearing of the suit.

D/c by me,

Judge.

Judge, Bench-V,
City Civil Court, Calcutta.