

ORDER NO.66 dt.24/03/21

The plaintiff's petition dt.03/02/21 u/o 26 rule 1 CPC is taken up for passing order.

Heard both sides.

Ld. Advocate for the defendant raised objection and also filed written objection. It is contended by the plaintiff that the sole plaintiff Kartic Kumar is now aged about 81 suffering from heart decease and kidney decease and bed ridden for the last 8 months and unable to attend court to adduce evidence. In support of that contention of the plaintiff medical certificate attached by doctor. He certified to that effect.

As per the provision of order 26 rule 1 commission to examine witness can be issued when it is found that the witness due to sickness or infirmity unable to attend court. In this case also on perusal of the doctor's certificate it appears that the plaintiff is lying in a bed ridden condition for the last 8 months due to different ailments. So it is a fit case for appointment of a commissioner to record evidence of the plaintiff.

Accordingly Mr. Santu Nandy Advocate of this Court is hereby appointed commissioner u/o 26 rule 1 for recording of evidence of the plaintiff by commission going to his residence in accordance with law.

The plaintiff is hereby directed to pay tentatively a sum of Rs.5000/- to the Ld. Commissioner for the present and on her filing receipt the writ of commission will be issued. The fees of the Ld. Commissioner will be finalised after submission of bill by the Ld. Commissioner after completion recording of evidence.

To 08/04/21 for filing receipt showing payment of commission fees.

D/C by me

Judge, 4th Bench

Judge