

Order No.60
Dated 06.01.2016

Today is fixed for P.Hearing of the suit. Plaintiffs are present with witness and evidence with their Ld. Advocate. Defendant-1a & 1b are represented by their Ld. Advocate. Ld. Advocate of defendant-2 to 5 is also present. Copy of the amended plaint is served upon Ld. Advocate of defendant-2 to 5. Cost so imposed vide order-58 was paid by challan.

At this stage, Ld. Advocate for defendant-2 to 5 submits that they have filed one written statement on behalf of answering defendant-4&5 on 27.07.2015 and that may be accepted as the written statement of defendant-4&5 on the occasion of amended plaint filed by the plaintiff on 22.12.2015. Ld. Advocate for the plaintiff raised objection as the written statement was filed previous to the amended order passed.

However, I have considered the contents of the written statement so filed. If the defendants are relying on their previous written statement in the light of succeeding amended plaint, court has no problem to accept the same as it is them to face the brunt. Therefore, the said WS dt.27.07.2015 is accepted as the written statement of defendant-4&5 as regard to the amended plaint filed by the plaintiff on 22.12.2015.

Ld. Advocate for the defendant-2 to 5 asks for a set of copy of the documents to be tendered by the plaintiff. Ld. Advocate for the plaintiff submits that he will serve the copy upon the Ld. Advocate for defendant-2 to 5 within this week. Plaintiff is directed to comply his submission.

Plaintiff-1 is examined as PW-1 by filing the supplementary examination in chief on affidavit. Formally proved documents are marked as Ext.1 to 6. Evidence of PW-1 is deferred by the defendant-2 to 5 by a petition.

Fixing 20.01.2016 for further cross-examination of PW-1. Plaintiff to serve copy in the meantime.

D/Corrected by me

Judge, SCC, Sealdah.

Judge, SC Court,
Sealdah.