

Present: Sri Srikumar Goswami (JO Code: WB00714)

Judge, Commercial Court at Alipore.

Money Suit 14/2019

CNR no. WBSP18-000028-2019

Order no. 32

17.03.2021

*In the matter of :
Suit for recovery of money,
damages valued at
Rs. 1,08,30,783/- plus
interest.*

And

*In the matter of :
M/S C.R.C. Exports Pvt. Ltd.*

Vs.

*In the matter of :
M/s. MGA Realtors Pvt. Ltd.
& 3 ors.*

Appearance for the Plaintiff:

Mr. Samrat Mukherjee ... Ld. Counsel.

Appearance for the Defendants no. 1 & 3:

Mr. Pranab Bhattacharya ... Ld. Counsel.

ORDERED

I.A. no. 02/2021

- 1. Today is fixed for submitting reply by the Plaintiff.*
- 2. Both parties file their respective haziras.*
- 3. Today, as per direction of this Court vide order dated 04.03.2021, the Defendants no. 1 & 3 file their reply. Copy served and objected to.*
- 4. Heard both sides.*
- 5. In respect of specific compliance as desired by the Plaintiff, it appears from the affidavit that item nos. 1, 2, 3 & 4 have been duly complied*

with as alleged by the Defendants no. 1 & 3 in their reply as submitted today. But so far as concerned item no. 5, it has been submitted that no completion certificate has been received but it has been admitted that only a partial completion certificate is available with the Plaintiff but no copy is given.

6. *As per submission of the Defendants no. 1 & 3, the Plaintiff be directed to submit the above partial completion certificate positively.*
7. *Hence, the Plaintiff is directed to submit the partial completion certificate positively on **20.03.2021 at 10.30 a.m.***
8. *In case of non-compliance of this order, the Court will presume adversely during trial.*
9. *This Court is not unmindful that the law provides for best evidence and documents relied upon by either side to be submitted. However, during trial, there is scope for such adverse presumption.*
10. ***In view of the above, the instant I.A. is disposed off.***
11. *The Plaintiff is directed to comply the direction as given by this Court positively by the next date fixed.*
12. *Fix **30.03.2021 at 12.30 p.m.** for fixing schedule of case management hearing.*

Dictated and corrected by me,

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore
and Paschim Midnapore.

Sd/-

Judge, Commercial Court at Alipore,
For South 24 Parganas, Purba Midnapore
and Paschim Midnapore.