

Present: Sri Utpal Misra (JO Code:WB00659)
Judge, Commercial Court at Alipore
Misc. Case 02 of 2022
(CNR No. WBSP18-000051-2022)

Order No. 18
19.07.2023

In the matter of:
An Application under
order IX Rule 13 read
with Section 151
of CPC.

And

In the matter of:
UCO Bank

Vs.

Sri Bhagwati Prasad
Jhunjhunwala and 6 ors.

ORDERED

Today is fixed for filing list of witness as well as the affidavit – in – chief, and filing documents by the parties.

Petitioner and Respondents file their respective haziras.

Petitioner files evidence on affidavit, list of witness along with a copy of documents by way of firstly. Let the same be kept in a brown colour cover file.

Opposite parties file list of witness and two separate evidence on affidavit along with some documents by way of firstly. Let the same be kept in a brown colour cover file.

At this stage, the instant record is taken up for case management hearing.

As per the Commercial Courts Act, 2015 as amended from time to time, this Court has the authority to proceed and regulate the admission of evidence by way of appointing one Ld. Advocate Commissioner for expeditious conclusion of the oral evidence.

*Considering the early disposal of the case record as per case management procedure as adopted by the Commercial Courts Act, 2015, let **Sri Prabir Banerjee, Advocate, Mobile no. 9830640389, Email ID- prabir2907@gmail.com** be hereby appointed as the Ld. Advocate Commissioner to record the evidence of firstly the witnesses on behalf of the*

Petitioner and subsequently the witnesses on behalf of the Respondents in the Conference Room of this Court during Court hours.

*The Petitioner and the Respondents are directed to pay the initial fees of Rs. 6,000/- only by each party directly to the Ld. Commissioner and file the respective acknowledgements in original on **09.08.2023 at 11.00 a.m.** and immediately thereafter, the Writ of the Commissioner will be issued.*

The fees of the Ld. Advocate Commissioner is fixed @ Rs.6,000/- only per day including the expenses of his juniors, steno-typist and others. The Ld. Advocate Commissioner fees in respect of PW be borne by the Petitioner and the Respondents will bear the Ld. Advocate Commissioner fees in respect of DW.

The Ld. Advocates on behalf of both sides shall also serve the copies of their pleadings alongwith relevant documents positively upon the Ld. Advocate Commissioner in the meantime.

Both sides are directed to take steps for bringing witnesses at schedule date and hour as fixed by the Commissioner.

The Ld. Commissioner has liberty to mention the matter if the Commissioner needs any clarification.

The Ld. Advocate Commissioner is further requested to remain present on the day of recording the evidence and assist this Court in completing the oral evidence of the parties in terms of the Commercial Courts Act, 2015.

Bench Clerk is directed to put the case record before the Ld. Commissioner and to assist him during evidence.

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

Parties to act accordingly with the downloaded copy of order sheet from Ecourts App / Website.

Dictated & corrected by me,

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram

Sd/-

Judge, Commercial Court at Alipore
For districts of South 24 Parganas, Purba Medinipur,
Paschim Medinipur & Jhargram