

Present: Sri Dev Kumar Sukul (JO Code: WB00766)
Judge, Commercial Court at Alipore
Money Suit 39 of 2019
CNR no. WBSP18-000048-2020

Order No. 55
06.12.2022

In the matter of:
Suit for recovery of money
valued at Rs. 3 Crores.
And
In the matter of:
Austin Distributors Pvt Ltd.
Vs.
In the matter of:
Sayan Sarkar

ORDERED

Today is fixed for filing list of witness by both sides and also for fixing 2nd case management hearing.

Both sides file haziras.

Both sides also file their respective lists of witnesses. Let the same be kept with the record.

At this stage, the instant record is taken up for 2nd 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 Plaintiff and subsequently the witnesses on behalf of the Defendants in the Conference Room of this Court during Court hours.*

*The Plaintiff and the Defendant 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 **23.12.2022 at 1 p.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 Plaintiff and the Defendant 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.

The Ld. Advocate Commissioner shall fix the date of taking evidence upon proper notice to both sides and on intimation to this Court and shall complete taking of evidence of the Plaintiff's including cross-examination and shall complete the evidence of Defendant's witnesses on consecutive date to complete the evidence without granting any adjournment and shall submit report on 17.02.2023 at 1.00 p.m firstly after completion of evidence.

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.

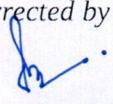
The Ld. Advocate Commissioner is further requested to remain present on the day of recording the evidence and assist this Court in completing the oral evidence of the parties in terms of the Commercial Courts Act, 2015.

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

Let a copy of this order be forwarded to Sri Prabir Banerjee, Ld. Advocate Commissioner through Email for his information and taking necessary action.

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

Dictated & corrected by me,


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

JUDGE
COMMERCIAL COURT AT ALIPORE


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

JUDGE
COMMERCIAL COURT AT ALIPORE