

Present: Sri Srikumar Goswami (JO Code: WB00714)
Judge, Commercial Court at Alipore
Title Suit 57 of 2019
WBSP18-000158-2019

Order No. 38
21.01.2022

In the matter of:
Suit for declaration, injunction,
recovery of money and damages
valued at Rs. 94,22,263.56/-

And

In the matter of:
Global Motocorp LLP

Vs.

Satyavama Commotrade Pvt.
Ltd. And ors.

ORDERED

Today is fixed for passing further order regarding appointment of witness commissioner.

Both sides file their respective haziras.

The record is taken up for passing order.

It appears from the record that Sri Subhashis Dasgupta, Ld. Witness Commissioner so appointed vide order dated 16.03.2021 has already submitted his consent on 22.03.2021.

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.

Accordingly, Sri Subhashis Dasgupta, Ld. Witness Commissioner is hereby formally appointed as the Ld. Advocate Commissioner to record the evidence of firstly the two(02) witnesses namely Mr. Kunal Agarwala and Mr. Anand Soni as mentioned in the list of witnesses submitted on 12.02.2021 on behalf of the Plaintiff and subsequently the three (03) witnesses namely Mr. Prabir Ghosh, Mr. Arnab Dasgupta and Mr. Chandra Sekhar Soni as mentioned in the list of witnesses

submitted on 23.02.2021 on behalf of the Defendant in the Conference Room of this Court during Court hours.

Issue has already been framed which has been kept in a separate sheet.

The fees of the Ld. Advocate Commissioner is fixed @ Rs.6,500/- only per day including the expenses of his juniors, steno-typist and others. The Ld. Witness Commissioner fees in respect of PW shall be borne by the Plaintiff and the Defendant will bear the Ld. Advocate Commissioner fees in respect of DW.

*The Plaintiff and the Defendant are directed to pay the initial fees of Rs. 13,000/- i.e. Rs.6,500/- each directly to the Ld. Commissioner and deposit the acknowledgements in original within **19.02.2022 at 12.30 p.m.***

After submission of the above payment receipts by both sides, the Writ of the Commissioner will be issued.

The Ld. Advocates on behalf of both sides shall serve the copies of their pleadings alongwith relevant documents positively upon the Ld. Advocate Commissioner within that day.

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 Subhashis Dasgupta, Ld. Witness Commissioner 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,

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