

OD-7, 8
wt 9

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE

CS/91/2024
(OLD NO. CS/16/2021)
AMALGAMATED FUELS LTD.
-Vs-
DEEPAK PURI AND ORS.

CS/92/2024
(OLD NO. CS/17/2021)
AMALGAMATED FUELS LTD.
-Vs-
DEEPAK PURI AND ORS.

CS/93/2024
AMALGAMATED FUELS LTD.
-Vs-
DEEPAK PURI AND ORS.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : December 12, 2024.

Appearance:
Mr. Malay Kr. Ghosh, Sr. Adv.
Mr. Avinash Kankani, Adv.
Mr. Sarosij Dasgupta, Adv.
Mr. Suman Majumder, Adv.
Mr. Rajat Dev Sharma, Adv.
...for the plaintiffs

Mr. Utpal Bose, Sr. Adv.
Mr. Rajarshi Datta, Adv.
Ms. Labanyasree Sinha, Adv.
Ms. Shuchismita Datta, Adv.
...for the defendant nos. 1 & 2.

Mr. Dhruva Ghosh, Sr. Adv.
Mr. Saumyajit Ghosh, Adv.
Mrs. Ledia Dasgupta, Adv.
Mr. Altamas Alim, Adv.
...for defendant no. 3.

The Court: Mr. Malay Kumar Ghosh, learned Senior Counsel is appearing for the plaintiff.

Mr. Utpal Bose, learned Senior Counsel is appearing for the defendant nos. 1 & 2.

Mr. Dhruva Ghosh, learned Senior Counsel is appearing for the defendant no 3.

By an order dated 20th February, 2023, this Court has allowed the plaintiff's witness no.1 be recalled and if necessary, the plaintiff can examine the plaintiff's witness no.1 on recall and thereafter the defendant nos.1, 2 and 3 can also cross-examine the plaintiff's witness no.1. In the said order this court has already given liberty, if required, an additional issues can be framed at the instance of the defendant no.3. Accordingly, the defendant no. 3 has suggested two issues, which reads as follows:

- i) Is the claim of the plaintiff against the defendant no. 3 barred by laws of limitations ?
- ii) Is the defendant no. 3 in exclusive, open, continues and actual possession of the property adverse to the title of the plaintiff ?

The plaintiff has consented to frame the said additional issues but submitted that the issues framed by this Court earlier by an order dated 24th March, 2022 be recasted along with these issues. Accordingly, the issues framed by this Court on 24th March, 2022 along with the suggested issues of the defendant no. 3, as mentioned above, are recasted as follows :

- i) Whether the suit is maintainable ?
- ii) Whether the defendants are trespassers ?

- iii) Whether the plaintiff is entitled to a decree of eviction against the defendants ?
- iv) Whether the plaintiff is entitled to mesne profits for the wrongful use and occupation of the suit property by the defendants ? If yes, at what rate and for what period ?
- v) Is the plaintiff entitled to any other relief ?
- vi) Is the claim of the plaintiff against the defendant no. 3 barred by laws of limitations ?
- vii) Is the defendant no. 3 in exclusive, open, continues and actual possession of the property adverse to the title of the plaintiff ?

The plaintiff's witness no. 1 is present and the counsel for the plaintiff has examined the said witness on recall and during his evidence one document is exhibited being Exhibit 3 collectively.

Counsel for the defendant prays for time to cross-examine the witness.

Accordingly, cross-examination of the plaintiff's witness no.1 is deferred.

Let the matter appear on 7th February, 2025 at 3 p.m. for cross-examination of the plaintiff's witness no. 1 by the defendants.

(KRISHNA RAO, J.)