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

IA NO. GA/17/2024
In CS/9/2005

SHIW PRAKASH KAJARIA
Vs
SMT. LILA KASERA & ORS.

BEFORE:

The Hon'ble JUSTICE SUGATO MAJUMDAR

Date: 8th April, 2024.

APPEARANCE:

Mr. Sarosij Dasgupta, Adv.
Ms. Madhurima Halder, Adv.
Mr. Arijit Dey, Adv.
...for the plaintiff.

Ms. Amrita Panja Moulick, Adv.
...for defendant no. 9(c).

The Court:- Affidavit of service filed in Court today be kept in the record.

GA No. 17 of 2024 is filed with a prayer that exhibited documents of CS 696 of 1978 be treated as exhibit of the present suit; petitioner may be permitted to rely upon evidence of plaintiff no. 1(b) and defendant no. 5 in CS 696 of 1978 as an evidence of this suit.

No affidavit-in-opposition is filed and, therefore, the content of the application shall not be deemed as admitted by the defendant. In terms of the Order dated 13th July, 13th July, 2016, Co-ordinate Bench of this Court passed order that the parties would commence adducing evidence in CS 9 of 2005 immediately on completion of evidence of CS 696 of 1978 by the same

Advocate/Commissioner. There is no order of analogous hearing of the suits and this Court, at this juncture, cannot examine whether the suits are the same in nature. Accordingly, the plaintiff should adduce evidence separately.

Learned Counsel for the plaintiff submitted that instead of appointing Advocate/Commissioner, the plaintiff is ready and willing to appear before this Court for adducing evidence. The same is considered and allowed.

The witness of the parties shall appear before this Court to adduce evidence in CS 9 of 2005. The application, namely GA 17 of 2024 stands disposed of accordingly.

The parties are at liberty to take certified copy of exhibits in CS 696 of 1978 to adduce evidence. Record of CS 696 of 1978 be placed before this Court on the returnable date along with the suit.

Both the suits will appear in the list on 30th April, 2024 under the heading "Witness Action".

(SUGATO MAJUMDAR, J.)