

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS/30/2020
IA NO: GA/4/2023

KESHAV BHAJANKA AND ANR
VS
THE SATURDAY CLUB LIMITED

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 21, 2023.

Appearance:

Mr. Jayanta Sengupta, Adv.

Mr. Malay Seal, Adv.

Mr. Rahul Auddy, Adv.

Mr. Ayan Dutta, Adv.

Mr. Aditya Goopta, Adv.

Mr. R. Lakhmani, Adv.

Mr. Emon Bhattacharyya, Adv.

Ms. Pooja Saha, Adv.

The Court: Counsel for the respective parties are present.

Both parties have filed their admission and denial of the documents.

Let the same be kept with the record.

The plaintiff has filed an application being GA No. 4 of 2023 for appointment of Commissioner for recording the evidence of the plaintiff's witness on commission.

Counsel for the plaintiff submits that the witnesses are parents of just born child and it is not possible for the witness to appear before this Court in person for adducing evidence and as such prays for examination of the witnesses on commission.

Counsel for the defendant raises objection and submitted that the ground on which the plaintiff has filed the present application for

appointment of Commissioner is not justified for appointment of Commissioner to examine the witness. He submits that the plaintiff has filed the suit for defamation and it would be proper to examine the witness before this Court.

Considering the submission made by the Counsel for the respective parties and perusing the application filed by the plaintiff, this Court finds that sufficient cause has been shown for appointment of Commissioner for examination of the plaintiff's witness on commission and as such Mr. Debasish Basu, Bar Association No. 16, 9330202258 is appointed a Commissioner for examination of the witness of the plaintiff on commission. The remuneration of the Commissioner is fixed at Rs.15,000/- per sitting and plaintiff shall bear remuneration of the Commissioner for examination of the plaintiff's witness.

Commissioner is directed to communicate the date of the examination of the witness on commission to the Assistant Registrar of this Court so as to enable him to place all the documents before the learned Commissioner at the time of examination of the witness on commission.

The Commissioner is directed to complete the examination of the witness as early as possible preferably, within a period of three months on receipt of the copy of the order of this Court.

The Commissioner is directed to submit the report on completion of examination of the plaintiff's witness on 5th December, 2023.

GA No. 4 of 2023 is disposed of.

(KRISHNA RAO, J.)