



2026:CHC-OS:345

OD-8

ORDER SHEET

CS/11/2018  
IA No: GA/3/2019 (Old No. GA/719/2019)

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE  
[COMMERCIAL DIVISION]

SAURABH GUPTA  
-VS-  
ROYAL SUNDARAM GENERAL INSURANCE COMPANY LIMITED & ANR.

BEFORE:  
The Hon'ble JUSTICE KRISHNA RAO  
Date : July 18, 2023.

Appearance:  
Mr. Swarnendu Ghosh, Adv.  
... for the plaintiff.

Mr. Avinash Kankani, Adv.  
Mr. Shashwat Nayak, Adv.  
... for the defendant no.1

Mr. Sayantan Bose, Adv.  
Ms. Pooja Chakravarti, Adv.  
Ms. Radhika Misra, Adv.  
Ms. Roshni Deepta Acharya, Adv.  
... for the defendant no.2

The Court: The matter is listed today as "To Be Mentioned" on the prayer made by the counsel for the plaintiff.

The plaintiff's witness was examined on commission and during examination on commission, the documents i.e. ID-10, ID-11 and ID-12 have been marked for identification and the learned Commissioner granted leave to the counsel for the plaintiff to produce the original documents on completion of cross-examination of the plaintiff's first witness. Counsel for the plaintiff submits that due to inadvertence, after completion of cross-



examination of the plaintiff's first witness, the documents could not be brought to the notice of the learned Commissioner and accordingly, the learned Commissioner has passed an order for closing cross-examination of the plaintiff's first witness and now the counsel for the plaintiff prays for leave and direction upon the learned Commissioner to allow the plaintiff to produce the original documents i.e. ID-10, ID-11 and ID-12 before the learned Commissioner as per the leave granted by the learned Commissioner.

Learned counsel for the defendants raises objection and submits that he is having apprehension that the plaintiff may produce further documents for which the leave has not been granted.

Considered the submission made by the counsel for the respective parties.

This Court finds that the learned Commissioner has already granted leave to the plaintiff to produce the original documents after completion of cross-examination of the plaintiff's witness but inadvertently, the counsel for the plaintiff could not produce the documents at the time of closing of cross-examination of the plaintiff's witness. This Court finds that if an opportunity is not given to the plaintiff to produce the said original documents before the learned Commissioner, the plaintiff will be prejudiced and accordingly, leave is granted to the plaintiff to produce the original documents i.e. only ID-10, ID-11 and ID-12 as per the leave granted by the learned Commissioner to the plaintiff.



The Commissioner is requested to take the original documents as mentioned above.

The plaintiff is directed to produce the documents before the learned Commissioner within a week from date. Learned Commissioner is directed to submit the report within a week thereafter.

Let the matter appear before this Court on 10<sup>th</sup> August, 2023 in the list of Commercial Division of this Court.

(KRISHNA RAO, J.)

RS