



OCD-1

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 : August 10, 2023.

Appearance:

Mr. Swarnendu Ghosh, Adv.
Mrs. Suchismita Ghosh, Adv.
Mr. Abir Lal Ghosh, Adv.
... for the plaintiff.

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

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

Mr. Sarosij Dasgupta, Adv.
... Learned Commissioner

The Court: Counsel for the respective parties are present.

Learned Commissioner is also present and has submitted that examination, cross-examination and re-examination of the plaintiff's witness is completed and he requires some time to file the report with regard to the examination of the plaintiff's witness.

Counsel for the defendant no.1 submits that he will produce witness on behalf of the defendant no.1.



In view of the submission made by the counsel for the defendant no.1 the defendant no.1 is directed to produce witness before the learned Commissioner for examination on commission.

The learned Commissioner is at liberty to fix the date for examination of the witness of the defendant no.1.

Let the matter appear on 11th September, 2023 for filing report by the learned Commissioner.

It is made clear that the remuneration of the Commissioner shall be paid by the defendant no.1 while examination of the witness of the defendant no.1.

Counsel for the defendant no.1 has raised objection regarding appointment of Commissioner for examination of the witness of the defendant no.1 on commission.

It is found from the record that the plaintiff's witness has been examined on commission and accordingly, no priority should be given to the defendant no.1 to examine the witness before this Court instead of before the Commissioner.

Accordingly, the defendant no.1 is directed to produce the witness before the learned Commissioner for examination on commission and to pay the remuneration of the learned Commissioner as already fixed by this Court.

(KRISHNA RAO, J.)