

OD-24

ORDER SHEET

CS/1034/1987

IA NO: GA/1/2003 (Old No:GA/3506/2003)

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

S.T.P. LIMITED
VS
NIRMALJIT SINGH HOON

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : December 12, 2023.

Appearance:

Mr. Utpal Bose, Sr. Adv.
Mr. D.N. Sharma, Adv.
Mr. Gaurav Khaitan, Adv.
Mr. Anunoy Basu, Adv.
... for the plaintiff

The Court: Mr. Utpal Bose, learned Senior Counsel, is appearing for the plaintiff.

The examination of the plaintiff's witness No. 1 was deferred till today but today when the matter is called, Counsel for the plaintiff submits that they will not examine the witness No. 1 further and accordingly, examination in chief of the plaintiff's witness No. 1 is concluded.

Counsel for the plaintiff submits that he will not adduce further evidence.

Accordingly, evidence on behalf of the plaintiff is closed.

Counsel for the plaintiff submits that the defendant No. 1 has expired on 16th March, 2016 but there is no death certificate or any other documents to prove that the defendant No. 1 has expired but Counsel for the plaintiff has handed over the order passed by the Company Court in CP

No. 90 of 1983 dated 27th April, 2016 wherein this Court has recorded that the defendant No. 1 passed away on 16th March, 2016.

Counsel for the plaintiff has relied upon the order dated 27th April, 2016 as well as Section 108 of the Evidence Act and also relied upon the judgements reported in '**1996 SCC OnLine Kar 410: (1997) 5 Kant LJ 619, 1994 Supp (2) Supreme Court Cases 114 and the Indian Law Reports 1962 630.**

Considering the submission made by the Counsel for the plaintiff and the judgement relied by the plaintiff, name of the defendant No. 1 is deleted from the cause title of the suit. Department is directed to record the death of defendant No. 1.

Counsel for the plaintiff concluded his argument of this suit on merit.

Fix "For Judgement".

(KRISHNA RAO, J.)

Sbghosh