



2023:CHC-OS:4919

OCD-1

IN THE HIGH COURT AT CALCUTTA
(COMMERCIAL DIVISION)

ORIGINAL SIDE

GA-COM/15/2025
CS-COM/38/2024
(Old No.CS/113/2006)

V.K UDYOG LTD.
VS
NIAZ AHMED AND ORS.

BEFORE:

The Hon'ble JUSTICE BIVAS PATTANAYAK

Date: 26th March, 2025

Appearance:

Mr. Krishnaraj Thaker, Sr. Adv.(VC)

Ms. Rishita Sarkar, Adv.

Ms. Sreenita Thaker, Adv.

...for the applicant/plaintiff

Mr. Ayan Dutta, Adv.

Ms. Sarmistha Das, Adv.

...for the defendant no. 2

The Court: This is an application seeking for appointment of an Advocate Commissioner for examination of the plaintiff's witness PW1 Mr. Prabir Kumar Saha.

The applicant/plaintiff contends that PW1 has been examined in part in Court but due to his old age and various age related ailments, particularly that he has undergone major bypass surgery, the witness is unable to come to Court to adduce his evidence. The applicant seeks for appointment of an Advocate Commissioner for further examination of PW1.

Mr. Ayan Dutta, learned Advocate appearing for the defendant no.2 opposes such prayer for appointment of Advocate Commissioner.



Considering the averments made in the application and the medical documents annexed to the application, let there be an order in terms of prayer (a) of the “*Master’s Summons*”.

Mr. Aniruddha Mitra, learned Senior Advocate, Bar Library Club, High Court, Calcutta is appointed as Advocate Commissioner for further examination of PW1 Mr. Prabir Kumar Saha.

The remuneration of the learned Advocate Commissioner is fixed at 3000 Gms. to be paid by the plaintiff at the first instance.

One of the staff attached to this Court shall be deputed to carry the records for the purpose of examination of witness before the Advocate/Commissioner.

The staff, so deputed, shall be paid travelling allowance at 400 Gms. per day.

The aforesaid expenses shall be borne by the plaintiff/applicant.

Application being GA-COM 15 of 2025 stands disposed of.

The learned Advocate Commissioner is directed to conclude the examination of witness on Commission within a period of one month and furnish report accordingly.

(BIVAS PATTANAYAK, J.)