



ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
[Commercial Division]

CS-COM/38/2024
[OLD NO CS/113/2006]

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

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : August 18, 2025

Appearance:

Mr. Sreenika Thaker, Adv.
Ms. Sneha Singhania, Adv.
...for the plaintiff

Mr. Ayan Dutta, Adv.
Ms. Sarmistha Das, Adv.
...for the defendant No. 2

1. The matter is listed as "To be Mentioned" on the prayer made by the Counsel for the defendant No. 2.
2. Counsel for the defendant No. 2 has drawn the attention of this Court to the proceeding held on 25th June, 2025 wherein at the time of examination of the plaintiff's witness, documents were exhibited as Exhibit TTTT to Exhibit SSSSS and has also drawn the attention of this Court to the 9th sitting wherein at the time of examination of plaintiff's witness, documents were marked as Exhibit UUUUU to Exhibit AAAAAA and all documents were marked as Exhibits (subject to objection).
3. Now, Counsel for the defendant No. 2 submits before this court that the said documents should not have been marked as Exhibits and the same should have been marked as 'X' for identification as the plaintiff has not produced the original



documents and have relied upon Xerox copy of the said documents and the plaintiff is not the party to the said documents.

4. Considered the submission made by the Counsel for the plaintiff. Perused the evidence of the plaintiff's witness on commission.
5. This Court finds that in presence of the Counsel for the defendant No. 2, the plaintiff has produced the documents for exhibiting and the said documents were exhibited subject to objection and at that point of time, learned Counsel for the defendant No. 2 has not raised any objection that the documents should not be marked as exhibits and the documents are to be marked for identification. Now, after the documents have been exhibited subject to objection, this Court cannot say that the said documents are to be marked as 'X' for identification. As regard to proof of the documents, this Court will consider the same at the time of hearing of the matter.
6. The Commissioner is directed to complete the examination of the plaintiff's witness as early as possible by 29th October, 2025.
7. List this matter on 29th October, 2025 for filing report by the Commissioner.

(KRISHNA RAO, J.)