

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

IA No. GA/1/2021
In
CS/182 /2021
NARSINGH ISPAT LIMITED
VERSUS
JWALA COKE INDUSTRIES

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 10th April, 2023.

Appearance:

Mr. Reetobroto Mitra, Adv.
Mr. Anirban Kar, Adv.
Mr. Munshi Ashiq Elahi, Adv.
For the plaintiff/petitioner.

Ms. Suparna Mukherjee, Adv.
Mr. Sarbajit Mukherjee, Adv.
Mr. Shayak Mitra, Adv.
Mr. T. Talukdar, Adv.
For the defendant/respondent.

The Court:- On behalf of the plaintiff/petitioner it is submitted that the plaintiff/petitioner wants to disclose a minutes of a meeting and an agreement between the parties by way of supplementary affidavit which according to the plaintiff/petitioner is necessary for effective adjudication of the issues involved.

The defendant/respondent has objected to such disclosure of the documents by supplementary affidavit at this stage. On behalf of the defendant/respondent it is submitted that the documents which the plaintiff/petitioner intends to rely ought to have been brought on record while the plaintiff/petitioner had filed its affidavit in reply after the

defendant/respondent has made its case. Moreover, the document which the plaintiff/petitioner intends to disclose has not been disclosed along with the plaint. As the suit has been instituted in the Commercial Division it was obligatory on the part of the plaintiff/petitioner to plead and disclose all documents in its possession along with the plaint. The plaint is silent about this document and as such after long delay and that too without corresponding pleading documents cannot be disclosed by filing supplementary affidavit.

Considering the submissions made by the parties, I adjourn this matter to enable the plaintiff to take out an application to rely upon additional documents not disclosed with the plaint which will be considered, on merits and this order will not automatically allow such additional document to be taken on record.

Let this matter appear in the monthly list of May, 2023.

(ARINDAM MUKHERJEE, J.)