

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: 6th September, 2023.

Appearance:

Mr. Jishnu Saha, Sr. Adv.
Mr. Dhruba Ghosh, Sr. Adv.
M.Nr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
Mr. Altamash Alim, Adv.
For the plaintiff.

Mr. Tapas Kumar Banerjee, Adv.
Ms. Suparna Mukherjee, Adv.
Mr. Rajarshi Dutta, Adv.
Mr. Sarbajit Mukherjee, Adv.
Mr. Shayak Mitra, Adv.
Mr. Triptimoy Talukdar, Adv.
For the defendant.

The Court:- The defendant while giving its comments on the documents annexed to the supplementary affidavit intended to be filed by the plaintiff submits that there are documents which are post suit documents comprising of orders and documents which are already available before the Court and there is no need to file a separate affidavit bringing those documents on record.

The defendant says that in respect of documents as in Annexures 'E' and 'F', the same are pre-suit documents which ought to have been disclosed at the time of instituting the suit in view of the provisions of Order XI

of the Code of Civil Procedure, 1908 as made applicable to suits filed in the Commercial Division of this Court.

The defendant objects to such documents being brought on record by way of supplementary affidavit.

The defendant further says that in the supplementary affidavit, the plaintiff has tried to make out a new case, which is, however, disputed by the defendant. In any event, the supplementary affidavit has not been taken on record by granting leave to the plaintiff. The plaintiff submits that the matter be adjourned so that they can consider the objection raised by the defendant and come with necessary instructions.

Let this matter be adjourned and shall appear on 20th September, 2023.

(ARINDAM MUKHERJEE, J.)