

OCD-1 to 3

ORDER SHEET

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

[Commercial Division]

CS-COM/308/2024
[Old No. CS/181/2021]

NARSINGH ISPAT LIMITED
-VS-
LUCKY COKE MANUFACTURERS

&

CS-COM/309/2024
[Old No. CS/182/2021]

NARSINGH ISPAT LIMITED
-VS-
JWALA COKE INDUSTRIES

&

CS-COM/310/2024
[Old No. CS/183/2021]

NARSINGH ISPAT LIMITED
-VS-
JWALA COKE PVT LTD.

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : April 8, 2024.

Appearance:

Mr. Nilay Sengupta, Adv.
Mr. Sujit Banerjee, Adv.
Mr. Altamash Alim, Adv.
Mr. Debajyoti Sengupta, 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 matter is listed as 'To Be Mentioned' on the prayer made by the counsel for the plaintiff.

When the matter is called, counsel for the plaintiff submits that in terms of the order passed by this Court dated 4th March, 2024, the plaintiff has filed the examination-in-chief on affidavit of the plaintiff witness and subsequent to the filing of the said examination-in-chief on affidavit, the plaintiff came to know that some relevant documents have not been disclosed or narrated in the examination-in-chief and as such the plaintiff intends to file additional examination-in-chief of the plaintiff witness.

Counsel for the defendant has raised objection and brought to the notice of this Court with regard to the provision of Order XVIII Rule 4(1B) of the Code of Civil Procedure wherein the same reads as follows:

“(1B) A party shall not lead additional evidence by the affidavit of any witness (including of a witness who has already filed an affidavit) unless sufficient cause is made out in an application for that purpose and an order, giving reasons, permitting such additional affidavit is passed by the Court.”

Considered the submission made by the counsel for the respective parties.

Perused the additional examination-in-chief which the plaintiff intends to bring on record, this Court finds that without any application the

same could not be allowed. As such, the prayer made by the counsel for the plaintiff is rejected.

The plaintiff is directed to comply with the order dated 4th March, 2024.

(KRISHNA RAO, J.)

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