

OCD-6 & 7

ORDER SHEET

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

[Commercial Division]

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 : June 14, 2024.

Appearance:

Mr. Dhruva Ghosh, Sr. Adv.
Mr. Nilay Sengupta, Adv.
Mr. Altamash Alim, Adv.
Ms. Ananya Barik, Adv.
...for the plaintiff

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' for further clarification for exhibiting of the documents at the time of the examination of the witnesses on commission.

Counsel for the defendant submits that the plaintiff has produced documents in bulk as per the serial number mentioned in JBD and is exhibited collectively but in the said bunch of the documents, the defendant while filing the affidavit of admission and denial of the documents, some of the documents are admitted and some of the documents are objected.

The defendant submits that while exhibiting the documents, the plaintiff is producing the concerned exhibit in a bulk and as such the defendant is not in a position to raise the objection with regard to a particular document which is to be admitted and which is to be objected as per the affidavit of admission and denial of the documents.

This raises some confusion for exhibiting the document by the Commissioner while examining the plaintiff's witness on commission. To clarify the position, this Court directs the Commissioner at the time of examination of the plaintiff's witness and exhibiting the document if the plaintiff's witness produces documents in bulk for exhibiting, the defendant may be allowed to verify the documents as per the affidavit of admission and denial filed by the defendant. If a particular document in the affidavit of admission and denial, the defendant has denied, the said objection be taken on record and be marked as subject to objection as per the objection raised in the admission and denial of the document.

Mr. Ghosh, learned Senior Counsel appearing for the plaintiff submits that the examination of plaintiff's witness is completed and if the defendant intends to object a particular document by referring the page number, the defendant can indicate their objection by referring the page number and that can be recorded in the examination in chief before starting

the cross-examination. In view of the submissions made by Mr. Ghosh, the defendant is directed to inform the learned Counsel for the plaintiff about the list of documents which the plaintiff is denying the documents as per the affidavit of admission and denial of the document and the learned Commissioner is directed to mark the said document as “subject to objection”.

Counsel for the respective parties submits that there are four several suits between the same parties and all four suits are also at the witness stage before the four different commissioners.

The parties and the Commissioners are directed to follow the above procedure while examining the witness and exhibiting the documents in all four cases.

(KRISHNA RAO, J.)

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