

In the High Court at Calcutta
Commercial Division
Original Side

IA NO. GA-COM/5/2024
[OLD NO CS/74/2023]
In CS-COM/494/2024

RAIJADA MARBLES AND ORS.
VS
ROYALBUILT INFRASTRUCTURE PRIVATE LIMITED AND ORS.

&

IA NO. GA-COM/6/2025
[OLD NO CS/74/2023]
In CS-COM/494/2024

RAIJADA MARBLES AND ORS.
VS
ROYALBUILT INFRASTRUCTURE PRIVATE LIMITED AND ORS.

BEFORE:
The Hon'ble JUSTICE ANIRUDDHA ROY
Date : February 12, 2026.

Appearance:

Mr. Deepnath Roy Chowdhury, Adv.
Mr. Debraj Sahu, Adv.
Mr. Bhaskar Diwedi, Adv.
Ms. Jyoti Routh, Adv.
Mr. Hareram Singh, Adv.
Mr. Saptarshi Rajan Chatterjee, Adv.
Mr. Arghodip Das, Adv.
...for the plaintiffs

Mr. Pratip Mukherjee, Adv.(VC)
Mr. Soumya Sankar Chimi, Adv.
...for the defendant Nos. 1 to 3

Mr. Aditya Chakraborty, Adv.
Ms. Parna Mukherjee, Adv.
...for the defendant No. 4

The Court : This is a commercial suit.

Defendants have not filed written statement within the mandated period as mandated under the amended provisions of **Rule 1 to Order VIII of CPC, 1908**.

Mr. Deepnath Roy Chowdhury, learned Advocate appears for the plaintiffs.

Mr. Pratip Mukherjee, learned Advocate (VC) appears for the defendant Nos. 1 to 3.

Mr. Aditya Chakraborty, learned Advocate appears for the defendant No. 4.

Mr. Deepnath Roy Chowdhury, learned Advocate appearing for the plaintiffs, on instruction from his client, submits that the examination in chief of the plaintiffs' witness is concluded and the same may be closed.

Accordingly, it is recorded that the examination in chief of the witness of the plaintiffs stands concluded.

The defendants now has to commence their cross-examination.

The order dated **March 17, 2025** passed by the Coordinate Bench shows that both these applications were taken up for consideration when the Coordinate Bench was of the view that both these applications shall be decided at the time of final hearing of the suit.

Parties have also submitted the same, in view of the said order of the Coordinate Bench.

The parties now pray for hearing of the suit.

The defendants shall proceed for cross-examination of the witness of the plaintiffs.

Mr. Deepnath Roy Chowdhury, learned Advocate appearing for the plaintiffs, on instruction from his client submits that there will be no further witness from the side of the plaintiffs.

The cross-examination of the plaintiff's witness shall be done and concluded through commission.

Learned Advocate appearing for the defendant Nos. 1 to 3 submits that in the event, it is the direction of the Court to hold the witness action through commission, the defendants shall carry out the same.

Accordingly, **Ms. Susmita Paul, learned Advocate, Bar Library Club**, a Member of the Bar is appointed Commissioner to hold the commission and conclude it for the purpose of cross-examination of the plaintiff's witness by defendant Nos. 1 to 3.

Learned Advocate for the defendant Nos. 1 to 3 submits that the cross-examination may be concluded at the highest during three sessions.

Mr. Aditya Chakraborty, learned Advocate appearing for the defendant No. 4 submits that his cross-examination shall also be over at the highest during three sessions.

Accordingly, a consolidated remuneration of **Rs.2,00,000/-** shall be paid to the learned Commissioner, which shall be shared equally by the parties i.e. plaintiffs and defendants, in equal proportion.

In the event, the cross-examination shall spread over beyond three and three equal to **six sessions**, the parties shall mention the matter upon notice to each other, before this Court for additional remuneration of the commissioner.

The commission shall be concluded within **two months** from the date of commencement and the commissioner shall file her report before this Court thereafter.

After the exercise is over, parties shall be at liberty to mention the matter for further direction in the suit.

(ANIRUDDHA ROY, J.)

Sbghosh