

OD-30

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

IA NO. GA/4/2023
In CS/217/2013

FRONTLINE CORPORATION LTD
Vs
PUNJAB AND SIND BANK

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date: 21st June, 2023.

Appearance:
Mr. Aniruddha Mitra, Adv.
Mr. Kaushik Banerjee, Adv.
Ms. Rashmita Sen, Adv.
... for the plaintiff.

Ms. Sutapa Dutta Guha, Adv.
Ms. Jayati Chowdhury, Adv.
Ms. Sucheta Mitra, Adv.
... for the defendant.

The Court : Counsel for the respective parties are present.

The plaintiff has filed the present application being GA/4/2023 praying for appointment of commissioner for examination of the plaintiff on commission on the ground that there are altogether 435 pages document which is to be brought on record by exhibiting the same and to shorten the time of this Court, the plaintiff intend to examine the witness on commission.

Per contra, learned Counsel for the defendant raised objection for appointment of commissioner for examination of witness on commission on the ground that though the plaintiff has filed the instant on commission for appointment of commissioner but the ground as prescribed under Order 26 Rule 4 has not been satisfied.

Counsel for the defendant submits that the matter requires serious consideration while examination of the witness. She further submits that this is not the proper case for examination of witness on commission. Learned Counsel for the defendant submits that if the witness is examined on commission, defendant will be prejudiced.

Considered the rival submissions of the respective parties and perused the application filed by the petitioner. This Court finds that the plaintiff intend to exhibit about 435 pages document and this court has also find that if the witness has examined before this Court, there is every chance of consuming sufficient time for examination of the plaintiff's witness in Court. To save the time of this Court, this Court finds that it would be a proper to appoint a commissioner to examine the witness on commission. The apprehension which the Counsel for the defendant raised before this Court, this Court is of the view that the defendant is every right, if the defendant find any difficulty for examination of witness on commission, he shall inform this Court for appropriate order.

Accordingly, Mr. Aniruddha Lahiri (9830125964) 6, Old Post Office Street, Room No.61 Ground Floor, Kolkata is appointed as commissioner for examination and cross-examination of the plaintiff's witness on commission.

The remuneration of the Commissioner is fixed at Rs.15,000/- per sitting. The remuneration shall be borne by the plaintiff only.

The Commissioner shall inform the date of examination of the witness on commission to the Assistant Registrar of this Court in advance so that the office

shall produce the document before the commissioner at the time of examination of the witness on commission.

The Commissioner is requested to complete the examination on witness on commission within eight weeks from date and to file the report before this Court.

List CS/217/2013 on 24th August, 2023.

GA/4/2023 is disposed of.

(KRISHNA RAO, J.)

S. De.