

OD-43

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

IA NO. GA/08/2025
In
CS/40/2024

CHANDRA PRAKASH JHUNJHUNWALA VERSUS THE NUCLEAR POWER

Before:

The Hon'ble Justice BISWAROOP CHOWDHURY

Date: 09th September 2025

APPEARANCE

Mr. Rahul Karmakar, Adv.

...for plaintiff

Ms. Ajeyaa Choudhury, Adv.

Mr. Anil Dhar, Adv.

...For the defendant

The Court: This is an application filed by the plaintiff/petitioner praying for the following reliefs:

- a) A Learned Advocate may be appointed as the Deposition Commissioner for examining the plaintiff witness No. 1 being Chandra Prakash Jhunjhunwala from his residence;
- b) An order to conclude the examination within a specified time.
- c) Such further and other order or orders be made and/or direction or directions be given to this Hon'ble Court may be fit and proper.

It is the contention of the petitioner/plaintiff that the instant suit is filed for recovery of money on account of re-imbursement for having paid the defendants share of the municipal tax who was occupying the property of plaintiff as a lessee. The Defendant has filed written statement denying the allegations. It is further contended that the trial of the suit has commenced.

At the time of deposing the plaintiff petitioner tendered the said lease deed and

the said lease deed was impounded and the stamp duty is already paid. The petitioner/plaintiff has also contended that he is an old aged ailing person suffering from knee and ankle problems, and also have vertigo.

Heard Learned Advocate for the petitioner/plaintiff, and Learned Advocate for the opposite party/defendant. Perused the petition filed and materials on record. Learned Advocate for the defendant/opposite party submits that she is not opposing the appointment of Advocate Commissioner but she intends to bring to the notice of this Court about non-payment of registration charge by the plaintiff inspite of being directed by this Court.

Learned Advocate for the plaintiff submits that his client has paid the stamp duty and non-payment of Registration charge will not make the document inadmissible.

Upon hearing the Learned Advocates and upon considering the petition filed this Court is of the view that as the stamp duty is paid the admissibility of the document will be decided at the appropriate stage and not now. At present it is only necessary to consider the grounds on which the petition is filed.

The petitioner has filed this petition on the ground of his age and ailments. Upon considering the age of the petitioner which is 73 years and the nature of ailments namely knee and ankle problems and vertigo this Court is of the view that prayer of the petitioner should be allowed.

This I allow the prayer made in the petition.

Let there be an order in terms of prayer a) b) and c) of Master Summons dated 19th day of August 2025.

Mr. Chittaranjan Das Learned Advocate Mobile No. 9433788061 is appointed as Advocate Commissioner. Learned Advocate Commissioner shall upon prior notice to the parties, their Learned Advocates, and Assistant Registrar and ACO fix the date for deposition of plaintiff P.W. 1 Chandra Prakash Jhunjunwala. The Learned

Commissioner shall be entitled to a remuneration of 1000 GM. to be paid by the plaintiff. The cost of the Commission shall also be borne by the plaintiff. Upon the deposition of P.W. recorded the Learned Commissioner shall submit the report on or before 29/10/2025 Copy of relevant documents namely certified copy of earlier deposition sheet and copy of plaint be served upon Learned Commissioner.

Fix 29/10/2025 for report of Learned Commissioner.

(BISWAROOP CHOWDHURY, J.)

A.Bhar(P.A)