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Geetecee Engineers and Constructors and ors. Vs. Alstom Power Boilers Services Ltd.

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Court : Kolkata

Decided On : Jul-31-2014

Judge : Debangsu Basak

Appellant : Geetecee Engineers and Constructors and ors.

Respondent : Alstom Power Boilers Services Ltd.

Judgement :

ORDER

SHEET GA No.2323 of 2014 WITH CS No.370A of 1997 IN THE HIGH COURT AT CALCUTTA Ordinary Original Civil Jurisdiction ORIGINAL SIDE GEETECEE ENGINEERS & CONSTRUCTERS & ORS.Versus ALSTOM POWER BOILERS SERVICES LTD.BEFORE: The Hon'ble JUSTICE DEBANGSU BASAK Date : 31st July, 2014.

Appearance : Mr.Rajarshi Dutta, Adv.Mr.U.Goswami, Adv.for the plaintiff The Court: The application is for examining the witness of the plaintiff on commission.

Similar application was allowed by me in C.S.No.317 of 1997.

It is submitted on behalf of the plaintiff that same documents as of C.S.No.317 of 1997 may be relied upon in this suit also.

It is also submitted that the issues in the instant suit have already been settled.

In spite of notice, none appears for the defendant.

Considering that, the witness of the plaintiff has to leave station for his work, the application is allowed for the purpose of convenience.

It is submitted on behalf of the plaintiff that the Judges Brief of Documents is ready and that the same will be filed before the Commissioner to facilitate early disposal of the commission.

Mr.Kaushik Chaudhury, Advocate, Bar Library Club, is appointed as the Commissioner and will hold the meeting of the Commission on and from August 8, 2014 during Court houRs.In the event, the commission in C.S.No.317 of 1997 is completed prior to August 8, 2014, the Commissioner will be entitled to prepone the date of the commission in this suit.

The Commissioner will not grant any adjournment to any of the parties on any ground whatsoever.

The Commissioner will hold commission on a day-today basis.

The plaintiff will arrange for the venue of the commission and will intimate the venue of the commission to the Commissioner and to the advocate on-record for the defendant in writing by August 2, 2014.

All costs, expenses and incidentals to the Commissioner will be borne by the plaintiff at the fiRs.instance.

The plaintiff will be entitled to add the cost of the Commission to its claim.

The Commissioner will be entitled to a fixed remuneration of Rs.34,000/- to be paid by the plaintiff at the fiRs.instance.

The Commissioner will file his report on August 13, 2014.

GA No.2323 of 2014 is disposed of.

No order as to costs.

C.S.No.370 A of 1997 will appear on August 13, 2014.

(DEBANGSU BASAK, J.) akb/

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