

16.10.2023
Item No. 9
Ct. No. 7
PG

C.O. 3504 of 2023
M/s. Kundu Textiles
Vs.
Sri Arup Chatterjee

Mr. Abhijit Ray
Mr. Santu Nandy.....for the petitioner

Mr. Souradipta Banerjee
Ms. Fatima Hassan.....for the opposite party

Though the petitioner has challenged the order no. 66 dated 14th September, 2023 passed by the learned Judge-in-Charge, 6th Bench, Presidency Small Causes Court, Calcutta, whereby the application filed by the defendant under Order 26, Rule 1 of the Code of Civil Procedure was rejected, Mr. Ray, learned advocate appearing for the petitioner, upon instruction from his client, submits that the physical condition of the proposed witness is such that he cannot even depose on Commission.

He, therefore, submits that he has received written instruction from his client not to press this application.

In view thereof, C.O. 3504 of 2023 stands dismissed as not pressed. The written instruction filed by Mr. Ray, learned advocate for the petitioner is taken on record

There shall be, however, no order as to costs.

Parties are at liberty to communicate this order to the learned Court below.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Hiranmay Bhattacharyya, J.)