

17.05.2024
Sl. No.5(DL)
srm

C.O. No. 430 of 2024

Sri Asok Bandyopadhyay @ Ashoke Banerjee

Versus

Sri Somnath Banerjee

Mr. Kushal Chatterjee,
Mr. Shibjit Mitra

...for the Petitioner.

1. This Court finds that the order dated April 25, 2024 has not been complied with. Service of revisional application, despite the order of this Court, has not been effected.
2. However, the issue before this Court is whether the petitioner, who lives abroad, should be permitted by the Court to depose virtually during his examination-in-chief and cross-examination. His learned Advocate who shall be present at the time of such deposition before the court, should be allowed to tender the documents once the petitioner proves the same.
3. This Court is unable to pass any mandatory directions, but allows the petitioner to move the learned trial Judge immediately, by a put up petition for such permission.

4. It is expected that the learned trial Judge shall make an endeavour to make an arrangement. The petitioner is living abroad and expresses difficulty in travelling to India, to depose. However, the matter is left to the discretion of the learned trial Judge and the learned Judge will take into account the relevant factors while deciding such prayer.
5. The revisional application is, thus, disposed of.
6. There shall be no order as to costs.
7. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)