

18.04.2024
Ct. No. 19
Sl. No.47
Cp

C.O. No. 927 of 2024

Eastern Coalfield Limited
Vs.
Solar Industries India Limited & ors.

Mr. Saunak Sengupta
Mr. Abir Debnath
Mr. Pradipta Bose

... for the Petitioner.

Mr. Rajdeep Mantha
Mr. Rajesh Upadhyay
Mr. S. Biswas

....for the Opposite parties.

The revisional application arises out of an order dated February 3, 2024, passed by the learned Judge at Commercial Court at Rajarhat in Title Suit (Com) No. 9 of 2024. By the order impugned, the learned court allowed the application for adjournment upon payment of cost of Rs.50,000/-. The learned court fixed March 16, 2024 for cross-examination of PW-1 by the petitioner and submission of receipt towards payment of cost.

Earlier also, the petitioner was saddled with cost of Rs.20,000/- which the petitioner had paid. Taking note of the conduct of the petitioner and repeated adjournments which were prayed for since inception, the learned court deemed it fit and proper to impose cost of Rs.50,000/-.

It is submitted by the opposite party that the witness has been coming to Kolkata from Nagpur and,

thus, each day's adjournment as prayed for by the petitioner has resulted in irreparable loss and injury to the witness. Taking into consideration such facts, the learned court was compelled to impose costs.

Having heard the learned advocates for the respective parties, this court finds that Rs.50,000/- as cost for allowing an adjournment was excessive. Cost of Rs.5000/- be paid to the petitioner on the next date through the learned advocate and the cross-examination will resume, upon the court being satisfied that the cost as directed hereinabove is paid in cash.

It is made clear that the cross-examination of PW-1 should be concluded within two consecutive days to be fixed by the learned Trial Judge. It is specifically recorded that the learned Trial Judge shall ensure that no adjournments are prayed for during such period of cross-examination by either of the parties. The evidence of the other witnesses will continue. Thereafter, the suit shall proceed in accordance with law and be disposed of within a year.

The revisional application is accordingly disposed of.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)