

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(COMERCIAL DIVISION)
ORIGINAL SIDE

APOT/132/2025
IA NO: GA-COM/1/2025

RITHVIK BHATTACHARYA
VS
M/S ESKAY TOWER PRIVATE LIMITED AND ORS.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
AND
The Hon'ble JUSTICE MD. SHABBAR RASHIDI
Date :January 30, 2026.

The Court: None appears for the parties even in the second call.

The appeal is at the behest of the defendant in a suit.

The appeal is directed against two orders dated April 7, 2025 and April 29, 2025 passed in GA-COM/4/2024 in CS-COM/176/2024.

By the impugned order dated April 7, 2025, the learned Trial Judge noted that, the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 was filed by the appellant before us. The learned Trial Judge noted that, the evidence of the parties was being recorded by the Commissioner appointed for such purpose. The learned Trial Judge, directed the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 filed by the appellant to be heard at the time of final argument of the suit and if required, additional issues will be framed.

By the order dated April 29, 2025, learned Trial Judge extended the time for filing the evidence on affidavit-in-chief before the Commissioner of the defendant's witness.

In such circumstances, we find no merit in the present appeal.

APOT/132/2025 along with all pending applications is dismissed, without any order as to costs.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)

KB
AR (CR)