

ODC - 1

ORDER SHEET

CS/2/2016

IN THE HIGH COURT AT CALCUTTA  
Ordinary Original Civil Jurisdiction  
ORIGINAL SIDE

PIONEER PROPERTY MANAGEMENT LTD.  
Versus  
AMAZON SELLERS SERVICES PRIVATE LIMITED & ANR.

BEFORE:  
The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA  
Date : 11<sup>th</sup> January, 2021.

[Via Video Conference]

*Appearance:*  
*Mrs. Suparna Mukherjee, Adv.*  
*Mr. Abhijit Sarkar, Adv.*  
*Mr. Sankarsan Sarkar, Adv.*  
*Mr. Ratul Das, Adv.*  
*... for the plaintiff*

*Mr. Kushagra Shah, Adv.*  
*... for the defendant no.2*

*Mr. Malay Kr. Ghosh, Sr. Adv.*  
*Mr. Anuj Singh, Adv.*  
*Mr. Avishek Das, Adv.*  
*... for the defendant no.1*

The Court : The Advocate-on-record for the defendant no.2 prays for time since his witness is not in a position to come to Court for continuing the cross-examination which had commenced sometime in February, 2020. It is submitted that the witness is not willing to take the risk of travel by reason of

the pandemic and it is accordingly prayed that the matter be kept in February, 2021.

On 7<sup>th</sup> December, 2020 this matter had been fixed on 11<sup>th</sup> January, 2021 as is evident from the order passed on that date. The defendant no.2 was represented but as it appears from the order no such ground of inconvenience or otherwise was taken on that date. It is also not clear as to how the additional two weeks would encourage the witness to travel to the Court for the cross-examination.

However, since it has been submitted that the advocate-on-record is not in a position to prevail upon the witness to continue with the cross-examination, this matter is adjourned till 2<sup>nd</sup> February, 2021. The defendant no.2 is directed to pay costs at Rs.20,000/- to be paid to Bharat Sevasram Sangha, Kolkata for unnecessarily delaying the trial in a Commercial Suit.

List this matter on 2<sup>nd</sup> February, 2021.

It is made clear no further adjournment will be given in the matter.

(MOUSHUMI BHATTACHARYA, J.)