

9 CS (COMM.) 82/24
M/S J.C. TRAILER SERVICES PVT LTD. Vs. M/S SIMPLEX
INFRASTRUCTURE LTD.

19.11.2025

Present: Sh.Sunil Parashar, Ld. Counsel for plaintiff through video conferencing.
Sh.Rahul Kumar, Ld. Counsel for defendant through video conferencing.

Pleadings of the parties are complete. On the basis of pleadings of parties and material on record, following issues are framed:-

- 1. Whether the plaintiff has not complied with necessary provisions of Commercial Courts Act, 2015 as alleged? OPD? (OPP).*
- 2. Whether the plaintiff is entitled for recovery of suit amount i.e. Rs.45,96,812/- as prayed? (OPP).*
- 3. Whether the plaintiff is entitled to any interest?, if yes, at what rate and for which period? (OPP)*
- 4. Relief.*

No other issue arises or is pressed/claimed.

For recording evidence, in exercise of power envisaged *under Order XV A Rule 6 (o) and (p) CPC*, it is directed that evidence be recorded by Local Commissioner, appointed by this Court on commission basis. Accordingly, it is directed that plaintiff evidence and defendant evidence shall be recorded on commission basis by **(Sh.Abhinandan Jain, Advocate, Enroll No.D/4332/19, Mob. No.8010006637)**. A remuneration of the Local Commissioner is fixed at **Rs.10,000/-** per sitting to be borne by each party, leading its evidence. The party *who is leading the evidence, shall bear the cost of the sitting*. Parties shall ensure that they do not seek any adjournment before Ld. Local Commissioner. In case any party seeks

2.
9 CS (COMM.) 82/24
M/S J.C. TRAILER SERVICES PVT LTD. Vs. M/S SIMPLEX
INFRASTRUCTURE LTD.

adjournment or recording of evidence is adjourned, then the party at fault, shall pay the expenses of the commission for said date. Parties shall approach Ld. Local Commissioner for fixing the date of recording of evidence. At the cost of repetition, it is clarified that plaintiff shall bear the expenses for recording of plaintiff evidence and defendant shall bear the expenses for recording of defendant evidence. Further at the time of PE, plaintiff shall arrange typist/ stenographer for recording of evidence failing which Ld. LC shall arrange same and plaintiff has to bear Rs.1,000/- per day, which shall be in addition to fee for LC per sitting. Same shall be situation at the time of DE.

Ahlmad/Nazir shall make available himself/herself with both the court file and *diet money* for the said purpose is fixed Rs.500/- per sitting. The evidence shall be recorded at Judges Library, Rohini Courts or any other place as per convenience of Ld. LC on date and time agreed by the parties but not later than date fixed by this Court for submitting report. Local Commissioner shall record verbatim in question and thereafter record answers verbatim. In case of any objection raised by any party, same shall be recorded verbatim which shall be adjudicated by this Court. Ld. Local Commissioner on the same day, shall supply the copy of the evidence recorded to both the parties on their own cost and also submit typed copy in the Court. It is directed that both the parties shall file their respective list of witnesses within one week and thereafter, file their respective evidence by way of affidavit within a week after serving copy of the same upon each other well in advance. It is made clear that

3.
9 CS (COMM.) 82/24
**M/S J.C. TRAILER SERVICES PVT LTD. Vs. M/S SIMPLEX
INFRASTRUCTURE LTD.**

evidence of plaintiff (s) shall be recorded first and thereafter, the evidence of the defendant (s) shall be recorded.

Parties are directed to contact and appear before Ld. Local Commissioner within 7 days, to fix the dates for recording of evidence. Any unjustified, non compliance of the aforesaid directions and delay in the aforementioned time lines may lead to consequences for non-compliance as per Order XVA Rule 8 CPC pursuant to the schedule U/s 16 of the Commercial Courts Act, 2015. Copy of this order be given to Ld. Local Commissioner by way of whatsapp/ e-mail for information and necessary action.

Put up for report of Ld. Local Commissioner regarding evidence on **16.01.2026**.

(Devender Kumar Jangala)
District Judge (Commercial Court)-01
North-West, Rohini, Delhi.
19.11.2025