

26.09.2023

Present: Sh. Ankit Sharma Advocate for the plaintiff.

Ms. Avina Kumari Advocate for the defendant.

Issues have already been settled by this Court vide order dated **21.08.2023**. Today, the case was listed for **Second Case Management Hearing**.

I have gone through the records of the case. I may note that present suit has been filed by the plaintiff seeking **Recovery** to the tune of **Rs.5,00,000/-** from the defendant. The present case falls within the ambit of commercial dispute as defined under **Section 2 (C)** of the **Commercial Courts Act** and as per the mandate of the same, it is imperative that a time bound schedule be made as to the trial. In my considered view, since the examination of witnesses is likely to consume time, therefore, appointment of Court Commissioner is necessitated in as much as **Order XV-A Rule 3 & 4** of the **Commercial Courts Act** mandates that this case should be disposed off expeditiously. Hence, under the given circumstances, keeping in view the nature of the case, I hereby appoint **Sh. Vidya Sagar Advocate, Enrollment No. D-6182/2019, Chamber No. L-7, K.L. Sharma Block, Tis Hazari Courts, Delhi (Mobile No. 8279971561)** as **Court Commissioner** in this case. The fees of the Court Commissioner is fixed at **Rs.35,000/- (Rupees Thirty Five Thousand only)** which shall be paid by both the plaintiffs

and the defendant in equal proportions. The Fee of the Court Commissioner shall be paid to the Court Commissioner by **07.10.2023** under intimation in writing to this Court. Needless to say, the parties and the Court Commissioner shall strictly follow the **Case Management Hearing** as under, failing which the legal consequences shall follow in terms of **Order XV-A Rule 8 CPC**:

List of witnesses be filed by the parties	Before 09.10.2023
Plaintiffs shall file the affidavits of evidence of their witnesses with advance copy to the Ld. Counsel for the defendant	Before 16.10.2023
Recording of evidence of the Plaintiffs	30.10.2023 & 31.10.2023
Defendant shall file the affidavits of evidence of its witnesses with advance copy to the Ld. Counsel for the plaintiffs	Before 04.11.2023
Recording of evidence of the Defendant	09.11.2023 & 10.11.2023
Written memorandum of arguments to be filed before the Court by the parties with advance copies to each other (<i>Soft copies for the Court</i>).	30.11.2023
Final Arguments	06.12.2023 at 12:30 PM

It is clarified that in case if the recording of the evidence is not concluded on the dates fixed above and is spilled over for the next day, the Ld. Court Commissioner shall be entitled for additional fee of **Rs.5,000/- per day** to be paid by the party on whose behalf the examination/cross-examination is to

be conducted/ concluded.

Directions to Ahlmad:

The Ahlmad/Asstt. Ahlamd is directed to produce the original records of this case as required by the Ld. Court Commissioner on the dates fixed by him. Ahlmad/ Asstt. Ahlmad may be paid actual expenses, if any plus **Rs.500/-** for each hearing by the party concerned.

Records:

The Ld. Court Commissioner is requested to record the evidence of respective parties **between 2:00 PM to 5:00 PM on the dates fixed**, preferably in question answer form by way of typing. The typist will be arranged by the parties whose evidence is to be recorded and incidental expenses of Stenographer will be paid by the party concerned.

Ld. Court Commissioner is further requested to submit the original record/ evidence in the Court well in time in view of the above mentioned schedule.

Objections by parties during evidence:

In case any objection is raised by the parties/ counsels during examination/ cross-examination of witnesses pertaining to admissibility or relevancy or on any other subject, Ld. Court Commissioner will record the objection but proceed with the questions and answers put to the witness. Objections will be decided by the Court during the course of trial.

Venue:

The place of hearing by Ld. Court Commissioner will be fixed by the Ld. Court Commissioner in consultation with

the counsels for both the parties but not outside the premises of Tis Hazari Courts, Delhi.

Interim Applications:

In case any interim application is required to be moved by any of the party during the schedule of case management, it must be directly moved to the court at least four days prior to the next date/ stage in the form of hard copy by giving advance copy to the opposite party and the opposite party should be ready with its reply so that any such application may be disposed off within time without disturbing the schedule of the case management hearing.

Next date of hearing:

The report of the Court Commissioner be filed by 28.11.2023. Case be listed for **Final Arguments** on **06.12.2023 at 12:30 PM.**

Copy of this order is directed to be sent to the Ld. Court Commissioner by way of whatsapp or email and Ld. Counsels for the parties to contact the Ld. Court Commissioner for proper execution of the commission.

Copy of this order be given *dasti* to the parties.

(Dr. Kamini Lau)
District Judge,(Commercial Court)-02,
Central,Tis Hazari Courts, Delhi
26.09.2023