

31.10.2025

Present: Plaintiff in person.

Sh. Anuj Kumar Garg, Ld. Counsel for plaintiff through VC.
One of defendant (name not given in appearance) with Ld.
Counsel Sh. Pankaj Chauhan.

It is noted that defendant filed an application u/o 47 Rule 1 of CPC for recalling of order dated 10.09.2025 and an application u/s 5 of Limitation Act for condonation of delay in filing of application u/o 47 Rule 1 of CPC. Copy already supplied.

Ld. Counsel for plaintiff submits that he does not wish to file reply to the application and straightaway argue on the application.

Heard. Case file perused.

In view of reason given in the application u/s 5 of the Limitation Act, the delay of one day in filing the application u/o 47 Rule 1 of CPC is condoned. Application is disposed off as allowed.

Defendant, in application u/o 47 Rule 1 of CPC stated that two of three defendants are permanently physical person and they are dependent on family members whereas one of defendant is running the auto-rickshaw so they are not able to pay LC fees as well as cost. Hence, the order regarding appointment of LC vide order dated 10.09.2025 be set aside.

During course of submissions, Ld. Counsel for plaintiff submits that plaintiff is ready to pay the fee of Local Commissioner to record the evidence of his witnesses and as far as evidence of defendant is concerned, they be allowed to lead the evidence in Court and in view of this, the order dated 10.09.2025 is modified to this extent and the aforesaid application of the plaintiff is disposed off.

Ld. Counsel for defendants agreed for the submission made by the Ld. Counsel for plaintiff.

Without going into the merit, the order dated 10.09.2025 is modified to the extent that fee of Local Commissioner shall be paid by the plaintiff for recording the statement of plaintiff and his witnesses.

As far as the defendant's witnesses are concerned, they will be examined in Court after conclusion of plaintiff's evidence.

The aforesaid application is accordingly disposed off.

Put up for report of Local Commissioner on 10.12.2025.

(Ravinder Singh - I)
District Judge-03
East District, KKD Courts,
Delhi, 31.10.2025