

13.10.2025

Present: Mr. Raghav Awasthi, Ld. Counsel for the plaintiff  
through VC.

Plaintiff in person.

Mr. Rajesh Kumar Ld. Counsel for the defendant  
alongwith defendant in person.

Cost of Rs.5,000/- is paid by the defendant to the plaintiff.

An application under Order 26 Rule 2 r/w Section 151 CPC  
for appointment of a Local Commissioner for recording of the  
evidence is filed.

Reply to the application is filed.

Application is opposed on the ground that the defendant is  
not ready to bear the expenses of the Local Commissioner.

Ld. Counsel for the plaintiff submits that plaintiff is ready  
and willing to bear all the expenses of the Local Commissioner  
including the expenses incurred for recording of evidence of the  
defendant.

Arguments are heard and record is perused.

So that evidence can be recorded expeditiously and present  
case can be disposed off at the earliest, this Court is of the view  
that a Local Commissioner can be appointed for recording of  
evidence of both the parties, particularly because the plaintiff has  
agreed to bear all the expenses.

In view of the same, **Ms. Deepali Goel, Advocate, Enrol No. D/1116/2022, Mobile No.-9891524043, 66, First Floor, Pocket-03, Sector-21, Rohini, Delhi-110086** is appointed as the Local Commissioner for recording of evidence.

The terms of the assignment of the case are as under:-

1. **Chronology of Recording-** The Local Commissioner shall first record testimony of the ligating party and thereafter, of its witnesses. Oath shall be given to the witnesses under examination as per Oaths Act by the Local Commissioner.
2. **Exhibition of Documents-** The Local Commissioner shall exhibit all the documents on record sought to be proved by a party. In case of any objection to the documents being exhibited, the objection shall be recorded and left open with an assurance that mere marking of such exhibits will not be treated as the document having been proved. The objection and admissibility of such document shall be decided by this Court.
3. **Original Documents to be retained by parties-** The Local Commissioner will make an observation in the record of the original documents produced. He shall sign the exhibits with an endorsement 'OSR' wherever necessary and the party which produced the document may be required to show the same to the court at a later stage, if required.
4. **English Language-** The evidence/proceeding sheets shall be recorded by the Court Commissioner in English language. Once

started, the cross-examination shall preferably continue on day-to-day basis.

5. **Question & Answers-** At the request of either or both the parties, the Local Commissioner may record testimony in question & answer form so that there is clarity about the deposition.

6. **No Third Person Intervention-** The Local Commissioner will ensure that the witness is not assisted/prompted by his Counsel or any other third party while under cross-examination.

7. **Recording of Demeanour of Witness-** The Local Commissioner will record the demeanor of the witness wherever it is found pertinent and necessary for sharing with the Court.

8. **Witnesses to sign all pages-** The Local Commissioner will obtain signatures of both the parties and witness on every page of testimony, besides signing it himself. Uncertified copy of the evidence recorded will be provided by the Local Commissioner to the parties.

9. **Safe keep of Original Deposition-** The Local Commissioner will keep the original depositions in his safe custody till such time they are filed in the Court in original.

10. **Miscellaneous Proceedings-** The Local Commissioner will maintain a miscellaneous proceeding sheet for each day of work and will submit it in the Court with his report.

**Summoning of Official Witnesses-**

1. **Summons from Court-** In case a litigating party is desirous of summoning an official witness, it shall obtain summons from the Court.

2. **Diet Money-** Diet money shall be paid to such witness by summoning party as per rules.

**Advisory to Local Commissioner-**

i. **The Local Commissioner** is expected to conduct himself in an impartial and polite manner. He is expected to maintain confidentiality and shall not solicit professional work from the parties. He shall not accept remuneration or any favour in cash or kind from the parties over and above the amount fixed by the Court. He shall be non-judgmental, shall not criticize the professional conduct of litigating parties, lawyers on their understanding of law or ridicule them in any manner. He shall be punctual. In case of any unforeseen circumstances warranting change of dates of recording of evidence, he shall apprise the parties in advance via phone call, email, WhatsApp etc.

ii. **No Third Party Sharing-** He shall not allow the deposition to be inspected by any third party and shall not share a copy thereof with any stranger without permission of the Court.

iii. **Inspection-** He shall not allow any party to inspect the recorded proceedings in his absence.

**Remuneration of the Local Commissioner-**

**Fee to be paid-** Fees of Rs.20,000/- will be paid by the plaintiff to the Local Commissioner within 10 days from today. Thereafter, Rs.4,000/-per sitting of two hours will be paid to the Local Commissioner. For work done beyond two hours, Rs.2,000/- for each additional hour will be paid.

The Stenographer will be arranged by the plaintiff at his own cost and in case Stenographer is arranged by Local Commissioner, then the actual cost of typing/printing shall be reimbursed by the plaintiff to the Local Commissioner. In case the evidence is recorded in the Court Complex, the Ahlmad of the Court shall provide the Court record to enable the examination of the witnesses and cost of Rs.500/- per sitting shall be paid to the Ahlmad by the plaintiff. Ahlmad shall ensure the safe custody of the Court record during the proceedings. In case the Local Commissioner records the evidence in his office/out of Court, parties may get the certified copy of the documents, if required, for the purposes of using the same during evidence. Remuneration to the Local Commissioner and other costs shall be incurred by the plaintiff.

**To be added as Litigation Cost-** All payments shall be redeemable as cost of litigation at the end of the suit.

The Local Commissioner shall provide copy of evidence and proceedings of each date to both the parties through

email/soft copy and shall endeavour to complete plaintiff's evidence by the next date of hearing.

Both the parties are directed to appear before the Local Commissioner on 01.11.2025 at 2:00 pm, on which date, the Local Commissioner will make a schedule for recording of evidence as per the mutual convenience of the Ld. Counsels and the Local Commissioner. The Local Commissioner will decide the place where the Ld. Counsels are required to appear.

To come up before this Court on 08.12.2025.

*Copy of this order be given dasti to Ld. Counsels for the parties and be also sent to the Local Commissioner immediately by electronic mode.*

(Shirish Aggarwal)  
District Judge-03  
East District, KKD Courts,  
Delhi, 13.10.2025