

CS No.57564/16

Archana Sharma Vs. Lalitendu Samanta & Anr.

11.04.2017

Present: Ms. Anindita Pujari and Shri Santosh Kumar, Ld. Counsel for the plaintiff alongwith plaintiff in person.

Shri Nitin Soni, Ld. Counsel for defendant no.1.

Shri Saket Singh, Ld. Counsel for defendant no.3.

Ms. Srishti Gupta, Ld. Counsel for defendant no.4.

In terms of orders passed by this Court on 10.03.2017, original Internal Complaint Committee is sought to be placed on record. Copy supplied. Upon perusing the copies it is submitted by ld. counsel for the plaintiff that the record is incomplete as there was a specific mention of call records and other material relied by the ICC but same are not made part of the record.

At this juncture, Ld. Counsel for defendant no.3 submits that he may be given back the documents sought to be filed today and that he will file the complete record alongwith the affidavit of the concerned official qua the complete set of the document. Although, the plea is objected by Ld. Counsel for defendant no.3 but he seeks that he will seek better particulars from his client.

A separate application on behalf of defendant no.1 for modification of order passed by this Court on 10.03.2017. Copy supplied. Submissions heard.

This court has appointed Shri P K Saxena, Ld. Retired Additional District & Sessions Judge as Local Commissioner in this matter in terms of Protocol designed by this Court under Order 18 Rule 4 CPC for recording of evidence. Court is apprised that on 10.07.2015 on an application moved by defendant no.3 M/s. Delhi International Airport Pvt. Ltd. Shri S K Sarwaria, Ld. District & Sessions Judge (Retd.) was appointed as LC. In so far as no much headway had taken place after passing of order of 10.07.2015, and now a detailed order has been passed by this Court on 10.03.2017 the latter order shall be treated as an order in super session of the earlier arrangement. Also in so far as availability of Shri S K Sarwaria for the purpose of recording of evidence in this matter is not clear. Court has apprised the parties that in case this so want Court is open to replacement of the name of Shri S K Sarwaria instead of Shri P K Saxena as a Local Commissioner. But no such request is made.

As far as cost of recording of evidence is concerned, the arrangement made by this Court provides that each party pays for recording of its own evidence.

Part submissions heard on plaintiff's application seeking to place on additional documents on record. Plaintiff is desirous of placing on record a bunch of emails. Most of the mails are the mails shot by the plaintiff to the defendants and some of them are replies. Perusal of record shows that printouts of those mails have not been filed on record. Unless these mails are filed on record, Ld. Counsel for the defendant as well as this Court is not in a position to appreciate the relevancy of these documents and their

genuineness.

In so far as plaintiff is praying for disposal of her applications, Ld. LC is requested to adjourn the date in this case from 19.04.2017.

Parties to now come up for compliance of previous orders and disposal of all the pending applications on **15.05.2017**.

Previous cost paid by defendant no.3 to the plaintiff.

(Surinder S. Rathi)
ADJ-03/PHC/NEW DELHI
11.04.2017