

CS No.58371/16

Meenakshi Bhasin vs. Geeta Punhani and others

21.02.2018

Present: Sh.Anupam, Proxy Counsel for plaintiff.

Sh. G P Pant, Proxy Counsel for defendant no.1 with husband of the defendant no.1 in person.

None for other defendants.

No PW is present.

Both parties have agreed that Local Commissioner be appointed to record the evidence. Sh. Neeraj Kumar Gupta, Retired District Judge, Delhi R/o D-2/85, Janak Puri, New Delhi (Mobile No. 9811384632), is hereby appointed as Local Commissioner for recording the evidence. The terms of the assignment are as under :

1. Judicial file will not be sent for recording of the evidence by the Local Commissioner.
2. The evidence shall be recorded in the Patiala House Court complex at the place convenient to the parties as well as Ld. Local Commissioner.
3. Ld. Local Commissioner shall administer oath to the witness under examination as per the Oaths Act.
4. The evidence shall be preferably typed on a paper or in case of non availability the same shall be neatly hand written.
5. Ld. Local Commissioner shall comply with the provisions of Order 18 Rule 4 CPC while recording the evidence of the

witness.

6. The documents shall be exhibited but in case of any objection to the exhibition of documents by the either side the same shall be recorded by the Ld. Local Commissioner.
7. On the request of Ld. Counsel, cross-examining the witness, portions of deposition may be recorded in question-answer form.
8. All the objections raised during corss-examination/re-examination shall be recorded in the deposition under title objections and shall be left open for the decision of the Court at the stage of final arguments. Witness shall not refuse to the answer the question raised.
9. In case Ld. Local Commissioner finds any question not related to the fact and issue, he shall record his objection but shall allow the question to be put and witness must answer.
10. Remuneration fee for recording of evidence is fixed at Rs.2000/- per hour or Rs.5000/- for a 3 hours session, whichever is less. The same will be paid by the plaintiff and shall not include the cost of typing, hiring of a stenographer and supply of copy of deposition. The Stenographer be arranged by Ld. LC, and the actual cost of typing shall be paid by the plaintiff to Ld. L.C.

Parties are directed to appear before Ld. Local Commissioner on 8.3.2018 for recording of evidence. The Ld. Local Commissioner may fix other date/s of recording of evidence in consultation with the

parties, in case the recording of evidence is not concluded on 8.3.2018.

Now to come up for awaiting report of Ld. Local Commissioner and for further proceedings on 01.05..2018.

A copy of the order be supplied to parties as well to Ld. Local Commissioner.

(Praveen Kumar)
ADJ-05/PHC/NDD
New Delhi/21.02.2018