

CS No.58363/16

NPS Chauhan v. The Chairman cum Managing Director

12.07.2018

Present: Sh. Sandeep Sharma, Ld. Counsel for plaintiff.
Sh. Naresh Khanna & Sh. Shahid, Ld. Counsel for
defendant along with AR of the defendant in person.

Vakalatnama filed. It be taken on record.

Documents filed. Copy supplied to counsel for the
defendant.

Both parties have agreed that Local Commissioner be
appointed to record the evidence. Sh. Neeraj Kumar Gupta, Retired
District Judge, (Mobile No.9910384632), is hereby appointed as Local
Commissioner for recording the evidence of plaintiff's as well as
defendant's witnesses. 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 cross-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 or defendant for examination of their respective witnesses 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/defendant to Ld. L.C.

Parties are directed to appear before Ld. Local Commissioner on 9.8.2018 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 9.8.2018.

Now to come up for awaiting report of Ld. Local Commissioner

and for further proceedings on 27.09.2018.

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

(Praveen Kumar)
ADJ-05/PHC/NDD
New Delhi/12.07.2018