

**CS no.59107/16**

**Vivek Beri VS B N Uniyal & Anr.**

**20.04.2018**

Present: None for plaintiff.

Ld. Proxy Counsel Ms. Aditi Sharma for defendant no.2.

Ld counsel for defendant apprised the Court that the LC appointed by this Court Sh. P K Saxena has recused from evidence.

Ld. LC has already filed his report regarding the same in all the matters regarding his recused.

In the circumstances, Ms. Ms. Shelly Dutta, Ld. Empaneled Legal Services Advocate, DLSA, Chamber No.317, New Chambers Complex, Patiala House Courts, New Delhi-110001, Mobile No.9873001575 is appointed as Local Commissioner for recording of evidence.

In the circumstance, if witness of a party is present and is available for examination in chief but opposite party or their Counsel is not available for evidence, only one adjournment for a witness may be granted by LC subject to the condition that cost of hearing of that particular day is to be borne by the party who is seeking adjournment and that too if LC is satisfied that there are reasonable grounds for seeking adjournment for evidence that particular day. No second adjournment for cross-examining of the same witness shall be granted by LC in any circumstances.

Contd...2/-

However, if before LC no effective hearing takes place due to absence of one party or adjournment is sought by one party, the cost of LC of that particular day shall be borne by the said party who has sought adjournment or who is responsible for the ineffective hearing of that particular day. It is hereby clarified that if any party wishes to cancel the date, they will inform the LC three clear days in advance regarding the same date in writing through email and by way of telephonic message also. If three clear days advance notice was not given, the fee of the LC shall be treated as cost of adjournment for that day. Further if any witness has been summoned through the Court for any particular day before LC, LC shall not cancel the date for that particular day as the witnesses have been summoned and accordingly proceed as per Law. If a witness is coming from outside Delhi and same is mentioned in previous order sheet, then no adjournment shall be allowed by LC without prior consent on behalf of the said witness.

Rest of the terms and conditions shall remain the same as already passed.

Both the parties are directed to appear before LC for evidence on **28.05.2018 at 2.00 pm.**

To come up before this Court on **25.09.2018.**

**(Twinkle Wadhwa)**  
**ADJ-03/PHC/NEW DELHI.**

At this stage, Ld. Counsel Sh. Aditya and Sh. Mayank for plaintiff have appeared. They have been apprised of the order.

**(Twinkle Wadhwa)**  
**ADJ-03/PHC/NEW DELHI.**  
**20.04.2018**