

20.05.2026

Present : Sh. Mohd. Zahid & Sh. Pradeep Kumar, Ld. counsel for
 plaintiff.
 Sh. Aman Bhardwaj, Ld. counsel for defendants.

**IA no. 1/26 (plaintiff's application u/O XVIII Rule 17 r/w Sec. 151 CPC
seeking permission to lead evidence of witnesses of persons mentioned in
the application)**

1. Copy supplied.
2. Arguments heard.
3. *Inter alia* plaintiff is seeking fresh examination of four witnesses.
The matter is at the stage of DE, but, DE is yet to begin. Counsel for plaintiff argued that to prove his possession of the property, now, plaintiff wishes to examine one Rashid (who installed a subermisible in the property), a police official from PS Bhajanpura to prove DD no. 62B dated 19.07.2018 and two police constables namely Ram Swaroop and Pratap who purportedly sealed the property.
4. The application is opposed on the ground that the same is filed with delay at the stage of defence evidence. It is also argued that as far as summoning of Rashid is concerned, this plea was already declined by this court on 28.01.2026. Thus, it is argued that by way of present application, plaintiff cannot be allowed to re-open his evidence or examine any other witness.
5. After some arguments, parties agree that the aforesaid four witnesses

may be summoned with right to the defendant to cross-examine the said witnesses.

6. Considering the above, plaintiff is allowed to examine the aforesaid witness.
7. With the consent of parties, let the evidence be recorded by the local commissioner appointed by this court.
8. Thus, with the consent of parties, **Ms. Priyanka Marwah, Advocate (Enrolment no.D/1380/2013), Chamber no. 680, FF, Western Wing, Tis Hazari Court, Delhi-54, Mobile No. 9654509519** is appointed as local commissioner to record plaintiff's evidence to the extent of four witnesses mentioned in the application/IA no.1/26. Accordingly, parties shall appear before the Ld. LC on 03.06.2026 at 2:00 PM for fixing a schedule.
9. The fee of the Ld. Local Commissioner is fixed at Rs.15,000/- per sitting (with sitting being of 3 hours each) to be paid in advance by the plaintiff directly to the local commissioner. For any additional time spent in recording of evidence on a given date, the plaintiff shall pay Local Commissioner on pro-rata basis for the additional time spent. It is clarified that in case, less time is spent for recording of evidence on a given day, still, the fee of Rs. 15,000/- shall be paid. It shall be the duty of plaintiff to ensure presence of its witnesses on a given date.
10. Parties agree that the evidence shall be recorded by the Local Commissioner at a mutually convenient place of the parties as well as of the Local Commissioner.
11. Asstt. Ahlmad of the court is directed to take the case file to the place

so decided by the Local Commissioner/parties. A sum of Rs.1000/- per day shall be paid to the said Asstt. Ahlmad as diet money/miscellaneous expenses for taking the record to the place of recording of evidence, in case the same is outside Karkardooma Courts Complex, Delhi.

12. Parties shall inform this Court in writing as to which place have they agreed for recording of evidence and the schedule of evidence.
13. Once the schedule is intimated to the court, the summons with respect to three police witnesses mentioned in IA no. 1/26 be issued to the said witnesses to allow them to appear before the LC for recording of evidence.
14. List before this Court on 27.07.2026.
15. Let copy of this order be given dasti to the parties and intimation be sent to the Ld. local commissioner in this regard.
16. Parties are expected to assist the Ld. local commissioner while recording of evidence.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
20.05.2026