

Dev Bhumi Cold Chain Pvt. Ltd.

Vs.

Sanjeev Kumar Sethi

05.10.2021

As per the roster, the matter stands taken up physically.

Present: Ms. Gurmeet Bindra, Ld. Counsel for plaintiff. (Through VC)
Sh. Jatin Dhawan, Ld. Counsel for defendant. (Through VC)

Heard.

It is stated on behalf of the defendant that sometime is required for filing of reply to the application of plaintiff regarding recording of evidence either through VC or through Local Commissioner on the ground that the counsel requires instruction from his client. In this regard, a written request has been sent in the court through proxy counsel for the defendant.

As the counsel for the plaintiff intend to get recorded the testimony of plaintiff's witness, namely, Sanjay Aggarwal who is senior citizen of aged about 62 years and having various health issues, post recovery from COVID-19, either through VC mode or by through Local Commissioner for which an application has been filed on LDOH. As the recording of evidence through VC is not possible, therefore, the request stands declined, however, the evidence could be recorded by appointing a Local Commissioner. Further, court is of the view that no prejudice is going to be caused to the defendant in case of appointment of Local commissioner for recording of plaintiff's evidence only and for this purpose, no such reply is required as mentioned above as the evidence would going to be recorded in the presence of the defendant and his counsel.

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Accordingly, **Ms. Kuldeep Anand, Advocate is hereby appointed as Local Commissioner for recording evidence of plaintiff's witnesses on 12.10.2021.** She shall give suitable dates to both the parties for recording the statements of the witnesses. She shall bring her own laptop for recording of statements, which shall be recorded at Library, Rohini Court. She shall submit the records of evidence within two days after completion of recording of statements of the witnesses. Parties shall remain present alongwith the witnesses at Library, Rohini Courts. Local Commissioner be informed on her mobile number **7669967188**. The fees of Local Commissioner is fixed at Rs. 5,000/- per day which shall be paid by the plaintiff against receipt duly issued by the Local Commissioner.

It is clarified that whoever shall take the adjournment before the Local Commissioner, the fees of the Local Commissioner for the said date shall be paid by the concerned party.

Ahlmad is directed to take the file to the Library, Rohini Court as and when the request is made by the Local Commissioner for the purpose of recording of statements/ evidence. His fees is fixed at Rs. 500/- which shall be paid by the plaintiff.

Be put up for filing of report of Local Commissioner on **30.11.2021.**

Copy of this order be given dasti to parties and the Ld. Local Commissioner on their appearance.

**Sunil Kumar
ADJ-03, Rohini Courts
North District, Delhi
05.10.2021**