

**19 CS (COMM.) 128/24 SARVOTTAM ROLLING MILLS PVT LTD
VS. ANSAL HOUSING LIMITED**

15.07.2026

Present : Sh. Arjun Sanjay and Sh. Faiz Rizvi, Ld. Counsel for
plaintiff.

Sh. Ronmi Rison, Ld. counsel for defendants.

Reply to the application of defendants u/s 151 CPC is
filed on behalf of plaintiff

Arguments on the application heard.

Application u/s 151 CPC moved by defendants seeking
recording of the evidence afresh.

It is stated that vide order dated 18.03.2025 the Ld. Predecessor of this court had appointed a Ld. Local Commissioner for recording of evidence of the plaintiff's witness. It is stated that thereafter an application was moved by the defendants u/s 151 CPC on 14.05.2025 for removal/change of Court Commissioner. The said application was allowed by the Ld. Predecessor vide order dated 18.07.2025 wherein it was observed that the Ld. LC could not have delegated the commission to any other person / advocate to record the evidence and accordingly the application was disposed off and the Ld. LC was also directed to refund the fees of the parties. It is stated by ld. counsel for the defendants that in view of the fact that the Ld. LC was

removed from the matter therefore the evidence recorded before him cannot be taken into consideration and hence, the evidence be directed to be recorded afresh. It is stated that even though the application was made for removal of the Ld. LC, however, inadvertently a specific prayer for recording of fresh evidence was not made in the earlier application filed by the defendants.

Perusal of the record reveals that the application filed by the defendant u/s 151 CPC on 22.05.2025 did not seek fresh recording of evidence and the said prayer has been made by the defendant by filing the present application in May 2026.

Perusal of the order dated 18.07.2025 reveals that the Ld. Predecessor observed as follows :

"It is not in dispute that vide order dated 18.03.2025 passed by the Ld. Predecessor of this Court, it was Sh. Amit Kumar, Advocate, who was appointed as Local Commissioner, and he could not have delegated the commission to any other person / advocate to record the evidence. The conduct of Ld. Local Commissioner was therefore way out of line and needs to be deprecated. Be that as it may, Ld. Local Commissioner has very fairly agreed to refund the fees to the extent of Rs. 30,000/- as the Ld. Predecessor of this Court had directed the parties to pay a fee of Rs. 50,000/- to be shared equally for 5 dates of hearing. Since the Ld. Local Commissioner attended to the parties on 2 dates (one effective and the second non-effective), he may return Rs. 15,000/- each to the parties after the account details of the parties are shared with the Ld. Local Commissioner."

From the perusal of aforesaid order reveals that the Ld. Predecessor had directed the parties to pay a fee of Rs. 50,000/- to be shared equally for five dates of hearing. It is also noted that since the Ld. LC had attended to the parties on two dates (one effective and second non-effective), he may return Rs. 15,000/- each to the parties. Accordingly, as per the Ld. Predecessor the Ld. LC had attended the parties on two dates, one of which was referred to as effective and the other non-effective, and hence the hearing before the LC on one date was considered to be an effective hearing by the Ld. Predecessor, thereby indicating that the evidence recorded before the Ld. LC was not discarded. The application is thus dismissed. Application stands disposed off accordingly.

Renotify the matter for PE on **14.10.2026**.

(DEEPALI SHARMA)
District Judge (Commercial Court-03)
PHC / New Delhi /15.07.2026