

Item No. 15

CS DJ No.958/2017

Peeyush Aggarwal Vs. Sanjeev Bhavani & Ors.

27.11.2025

Present: Ms. Aastha Gupta, learned counsel for plaintiff.

Defendant no.1/DW-1 Sh. Sanjeev Bhavnani in person.

Sh. Pramod Kant Saxena, learned counsel for defendant no.1.

None for defendants no.2 & 3.

Submission heard. Record perused.

DW-1 is under cross-examination. Earlier, his cross-examination was being conducted before the Advocate Commissioner which is yet to be concluded.

It is submitted by learned counsel for the plaintiff that it will take time to conclude the cross-examination of DW-1, but she will try to conclude it in 3-4 sessions.

For expeditious disposal of the present case, it would be appropriate if testimony of defendant is recorded by the Advocate Commissioner. However, as there was some issue with the Advocate Commissioner appointed earlier, it would be appropriate if new Advocate Commissioner is appointed to record the remaining cross-examination of DW-1 and any other defence witness(s), if required.

Both the parties also have no objection in this regard. Plaintiff would bear the fees of the Advocate Commissioner.

In view of the submissions, Sh. Amit Kumar Gupta, Advocate, Enrollment No. D/525/2013, Common Hall Saket Bar Room, Ground Floor, Lawyer Chamber Block, Saket Court, New Delhi, Ph: 9211270350 is appointed as Advocate Commissioner for recording of defendant's evidence.

The fee of Advocate Commissioner is accessed at Rs.5,000/- (for each session of two hours) for recording of testimony of defendant between 02.00 p.m. to 05.00 p.m.

The expenses of secretarial assistance, if any, for recording of evidence will also be borne by the plaintiff.

Ahlmad/Assistant Ahlmad is directed to make the judicial file available to the Advocate Commissioner on each date of recording of testimonies.

Plaintiff shall also pay Rs.500/- to the Ahlmad/Assistant Ahlmad for each date.

Advocate Commissioner is requested to record the testimony in the Advocate Commissioner's room situated at Saket Court or at any other place within the Court Complex as per the convenience of both the parties.

Advocate Commissioner be notified in this regard.

Both the counsels shall also contact Advocate Commissioner for recording testimony on 18.12.2025 at 02.00 p.m.

Thereafter, Advocate Commissioner will fix the dates as per the convenience of both the counsels who will also co-operate in this regard, however, the testimony of defendant will be completed before the next date.

Advocate Commissioner will record the testimony in question-answer form, sign on the affidavit and documents exhibited in evidence and on each page of testimony after getting it signed by the witness.

Advocate Commissioner will file the report on or before the next date of hearing.

List the case for report of Advocate Commissioner on **03.02.2026**.

[Kuldeep Narayan]
District Judge - 02
South-East District
Saket Courts, Delhi
27.11.2025 /sk