

CS DJ 9722/16
MS OMSA INFRASTRUCTURE SERVICES P LTD
Vs.
MS GRAND SLAM AND OTHERS

27.02.2024

Present : Sh. Dinkar Singh & Sh. Rohit Singh Adv., Ld. Counsel for
plaintiff.

M.No. 9911347906, email dinkarsinghandco@gmail.com

Sh. Ashish Aggarwal Adv., Ld. Counsel for defendant.

M.No. 9810077771, email ashishadvocate@gmail.com

Both the Ld. Counsels submit that common question of facts are involved in the present case and **another suit no. CSDJ 498/22** which is also listed today. Therefore, at joint request, let common evidence be recorded in both the suits.

Ld. Counsel for plaintiff prayed for recording of common evidence through Local Commissioner at their respective expenses. However, Ld. Counsel for defendant deposes the same.

Ld. Counsel for plaintiff submits that he has to examine 2 witnesses and Ld. Counsel for defendant submits that he has to examine only one witness.

Matter is of the year 2013. It is the fitness of the things that a Local Commissioner be appointed for recording of evidence of plaintiff witnesses at the expenses of the plaintiff only.

Plaintiff is at liberty to file fresh affidavit of evidence of his witnesses by taking into account the stand of the plaintiff in both the case, if he wishes so.

In view of the same, *Sh. Atul Kumar Garg, Ld. AD&SJ (Retired), Advocate M. No.9910384745 (email ID: atuljudge@gmail.com)* is appointed as a Local Commissioner to record the evidence of plaintiff witnesses at the expenses of the plaintiff only.

Remuneration for recording of evidence is fixed at Rs.30,000/-per witness. The secretarial expenses shall be borne by the plaintiff separately. The Ahlmad of the court shall provide the court record to enable the examination of the witnesses and cost of Rs.500/- per sitting shall be paid to the Ahlmad. Ahlmad shall ensure the safe custody of the court record during the proceedings. All payments shall be redeemable as costs of litigation at the end of the suit.

Both the parties are directed to appear before Ld. L.C. on **06.03.2024** for recording of plaintiff evidence.

The Local Commissioner is directed to complete the recording of entire P.E. by next date.

Put up for further proceedings on **16.04.2024**.

Copy of the order be given dasti to both parties/L.C **through e-mail.**

(Munish Markan)
ADJ-02/(SE), District Courts, Saket,
New Delhi/27.02.2024

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