

CS No. 11460/ 16

Indo Cosmesi Pvt. Ltd. Vs. Oriflame India Pvt. Ltd.

21.03.2018

Present: Ms. Vibha Sharma, Counsel for plaintiffs, Mobile No. 8527954456.
Sh. Mahesh Bihari Chibbar, Counsel for defendant no. 1, Mobile No. 9818430581.
Ms. Geetanjali, Proxy counsel for Ms. Mala Sharma, Counsel for defendants no. 2 and 3. Mobile No. 9810814201.

An application U/o 26 Rule 9 CPC for appointment of Local Commissioner filed by counsel for plaintiffs. Copies supplied.

At request of counsel for plaintiffs, application is being considered to have been filed U/o 26 Rule 1 CPC as it is submitted that inadvertently wrong provision has been mentioned in the application (request not objected to by counsels for defendants).

Counsels for defendants have submitted that they do not wish to file any reply to the application and do not have any objection if the same is allowed. Heard.

Attested true copy of medical certificate of PW-1 Ajay Aggarwal as appended with the application perused.

In view of medical record of PW-1 Ajay Aggarwal and in view of no objection given by counsels for defendants, application of plaintiffs is allowed.

Sh. Amit Sahni, Advocate, B-195, Ground Floor, Lajpat Nagar Part-I, New Delhi -110024 Mobile numbers : 9990513500 and

9212513500 is appointed as Local Commissioner in present case for recording cross examination of PW-1 Ajay Aggarwal. As plaintiffs in its application has stated that plaintiffs are ready to bear expenses, expenses for recording cross-examination of PW-1 is directed to be born by plaintiffs. Fee of Local Commissioner is fixed to be Rs. 10,000/- (inclusive of expenses of stenographer if engaged by Ld. LC) for per date of recording evidence.

Plaintiffs are directed to pay TA /DA expenses to tune of Rs. 1,000/-each to counsels for defendants for per date of recording evidence.

In case, any part of court record is to be put to PW-1 in his cross examination, defendants shall obtain certified copy for the same for putting the same to PW-1. As submitted by counsel for plaintiffs, witness shall be available at East of Kailash address of PW-1 as mentioned in the plaint. Let Local Commissioner be informed of his appointment by counsel for plaintiffs. Local Commissioner is directed to fix a date for recording cross examination of PW-1 taking into account convenience of respective counsels. Objections if any raised during cross examination of witness shall not be decided by Ld. Local Commissioner and Local Commissioner shall merely record the objections which shall be decided by this court at appropriate stage of the trial. Ld. Local Commissioner is directed to file evidence of PW-1 with supporting order sheets on **26.05.2018**

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Copy of order be given dasti to all the counsels as prayed
for.

(Sonu Agnihotri)
ADJ-02/SE/Saket/New Delhi
21.03.2018