

22 CS DJ ADJ 16561/16 KULDEEP INDEEVAR Vs. RAKESH

04.01.2025

Present: Sh. Amit Shrivastava, Ld. Counsel for plaintiff.
Plaintiff in person (through VC).
Sh. Praveen Suri, Ld. Counsel for defendant no. 1 and 2
along with defendant no. 1 and 2.
Defendant no. 3 is already declared *ex-parte* vide order dt.
26.08.2014.

1. Application u/s 151 CrPC r/w Delhi High Court VC Rules 2021 is pending for disposal. However, plaintiff who is present in the court through VC (from Singapore) submits that, he is scheduled for arrival in India in mid of March 2025 tentatively and would be available for cross-examination if so directed.

2. At this stage, Ld. Counsel for plaintiff submits that, LC may be appointed for recording of further cross-examination of PW1. Request is not opposed on behalf of Ld. counsel for defendants. Ld. counsel for defendant No. 1 and 2 submits that, he would conclude cross examination of PW1 in one hearing itself.

3. Accordingly, Sh. N K Aggarwal, Enrl. No. D-1349/2004 Chamber No. 308, Third Floor, Lawyers Chambers Block, Dwarka Court Complex, New Delhi, mobile no. 9818342898, E-mail ID – advnkaggarwal@gmail.com

is appointed as Local Commissioner for the purpose of recording of evidence at the cost of plaintiffs with following directions:

- a) Local Commissioner shall record cross-examination of PW1 at 02:00 PM on 17.03.2025. All relevant objections shall be recorded/resolved as per law and shall be kept open for final adjudication if couldn't be resolved by Ld. Local Commissioner;
- b) Place of recording of evidence shall be fixed as per the convenience and mutual understanding of the parties;
- c) In case, PE couldn't be scheduled for 17.03.2025 due to some personal exigencies, parties are at liberty to fix any date for the purpose of cross examination as per their and Ld. LC's convenience. However, entire cross examination is to be concluded in one hearing only before NDOH;
- d) Local Commissioner shall ensure that Court file should be intact and no document should be taken out of that;
- e) Fees of the Local Commissioner is fixed for Rs. 20,000/- for recording of evidence;
- f) All miscellaneous expenses i.e. Steno, room booking, if any, etc. shall be borne by the plaintiffs;
- g) Local Commissioner shall file its report on completion of PE;
- h) It is clarified that no adjournment shall be sought by the parties during above proceedings. In case of adjournment, defaulting party shall bear all cost of cross examination;
- i) *Ahlmad* of this Court, shall ensure availability of record for evidence, subject to his availability on said day. Diet money shall be paid on spot.

4. Counsels for the parties shall appear before the learned Local Commissioner on 17.03.2025, at 02:00 PM, for conclusion of cross-examination of PW1. **Application stands disposed off accordingly.**

5. After conclusion of cross-examination of PW1, list before this court **02.04.2025.**

6. A copy of this order is given to all parties as well as to the learned Local Commissioner.

(SHILPI M JAIN)
DJ-05 (SW)/Dwarka Courts
New Delhi: 04.01.2025 (sr)