

SHRI DHRUV KAPOOR Vs. SHRI KARAMBIR KAMBHOJ

28.03.2025

Present: Sh. Rajat Oswal, Id Proxy counsel for the DH through V.C
Sh.Praveen Suri, Id. counsel for the objectors through V.C.

Ld. counsel for the objectors submits that he has already supplied the copy of affidavit in evidence to the Id. counsel for the DH. He further submits that he is moving application for appointment of local commissioner for recording the evidence of objectors and request the court to pass over the matter at 12.30 P.M.

Put up at 12.30 P.M.

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28.03.2025 at 12.35 P.M.

Present: Ms Janvi Vohra, Id counsel for the DH through V.C.
Sh.Sagar Nandwani, Id. counsel for the objectors
alongwith objector no. 1 in person.

List of witness on behalf of the objectors has been filed on 13.02.2205, copy supplied.

Copy of order dated 16.12.2022 has been filed on behalf of the DH on 11.02.2025. Copy be supplied.

Evidence by way of affidavit of Sh. Manmeet Singh Lamba and an application u/o 18 rule 19 read with order 26 rule 5

Contd. 2

A/151 CPC for appointment of local commissioner for recoding of evidence of objectors have been filed on behalf of the objector. Copy supplied.

Ld. counsel for the DH submits that she has no objection to the above said application of the objectors for recording evidence of the objectors by the local commissioner but cost of the L.C. be borne by the objector and not by the D.H.

Ld. counsel for the objectors submits that the objectors are ready to bear the cost of ld. local commissioner and steno will also be provided by him for recording the evidence by ld. Local Commissioner.

In view of the above said submissions of both ld. counsels for the parties, application filed u/o 18 rule 19 read with order 26 rule 5 A/151 CPC for appointment of local commissioner for recoding of evidence stands allowed.

Sh. Vinay Kumar Gupta, DHJS (Retired) having mobile no. 9910384701 has been appointed as Local Commissioner to record the evidence of the objectors and fees of Rs. 25,000/- shall be paid by the objectors to ld. Local Commissioner for recording their evidence and following guidelines has been given for recording the evidence.

1. The evidence shall be recorded expeditiously.
2. The dates for recording evidence shall be decided by the ld. Local Commissioner by consideration the convenience of ld. counsels for the parties.
3. Evidence shall be recorded preferably on day to day basis and adjournment may be given only in un-avoidable circumstances and

on genuine grounds.

4. Ld. Local Commissioner shall record evidence at suitable time and venue, as per his convenience as well as convenience of ld. counsels for the parties.

5. Ld. Local Commissioner shall exhibit all the documents to be proved by the objectors. In case there is any objection to the exhibition of any document on behalf of DH then the objection shall be recorded in detail and left open with an assurance that mere marking of exhibit does not prove the document and objection will be decided by the Referral Court at final stage.

6. If Ld. counsel for the objectors objects any question of the ld. counsel for the DH then the ld. Local Commission shall record the objections and shall allow the question to be put and answer of the witness be recorded, subject to decision on the objections by the Referral Court at the final stage.

7. The Ahlmad will be intimated accordingly regarding the dates of the recording of evidence and he shall visit the fixed venue with case file and his fees is fixed as Rs. 1000/-per hearing. The Ahlmad shall ensure the safety of judicial file.

8. Parties are directed to appear before ld. Local Commissioner on 02.04.2025 at 11:00 A.M. However, the date and time may be changed by the parties and ld. Local Commissioner as per their mutual convenience.

9. Ld. counsel for the objectors will apply before hand to this court for issuance of summons to the witnesses and diet money of the witnesses will be paid at the spot.

10. The expenses of cost of typing, hiring of a Stenographer/typist shall be borne by the objectors.

Put up for awaiting report of the Id. Local Commissioner regarding completion of recording of evidence of the objectors on 21.05.2025.

Copy of order be given dasti to the parties and also send to Id. Local Commissioner on his mobile number for intimation.

(SHIV KUMAR)
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