

8 CS DJ ADJ 284/18

SANJEEV BINDRA Vs. NAVNEET BHATIA AND ORS.

13.03.2026

Present: Sh. Saurabh Balwani, Sh. Rohan Batra, Sh. Dhurv Sethi, Ld.
Counsel for plaintiff.
Sh. Ashish, Ld Counsel for defendant no.1.(VC)
**Defendant no. 2 is already proceeded ex-parte vide order dated
08.04.2025.**

An application has been moved on behalf of plaintiff u/s 151 CPC seeking direction regarding evidence of plaintiff/PW1. It is stated that vide order dated 25.10.2025, Ld. Local Commissioner was appointed to record evidence of PW1 from plaintiff's place of residence in Minnesota(USA) subject to certain directions passed by this Court.

It is submitted that evidence was to be concluded in one sitting and in exceptional circumstances, one additional sitting. The cost of additional sitting was to be borne by the party responsible for adjournment and Ld. Local Commissioner was authorized to decide in this regard.

It is prayed that cross examination of PW1 be declared as concluded and Ld. Local Commissioner be directed to submit his report. In alternate, it is prayed that if any further opportunity is granted to defendant to cross examine PW1, the scope of such cross examination strictly be confined to documents filed by the plaintiff on 31.01.2026 and all cost and expenses of such additional sitting of Ld. Local Commissioner be directed to be borne by the defendant no. 1.

Ld. counsel for defendant submits that defendant had never requested for appointment of Local Commissioner and it was only for the convenience and at the request of plaintiff, that Local Commissioner was appointed. Hence, defendant should not be burdened with the expenses of

additional sitting. He further submits that he was well within his right to put questions about the documents and it was due to the replies given by the plaintiff that cross examination could not be concluded within 2 sittings.

In view of the circumstances of this case, this Court considers it fit to extend the tenure of Ld. Local Commissioner for one more sitting for the purpose of cross-examination of PW1. The fees of Ld. Local Commissioner i.e. Rs.50,000/- for additional sitting shall be borne by the plaintiff. All other terms of reference will remain same as provided in the detailed order dated 25.10.2025. It is impressed upon both the parties to conclude cross examination of PW1 in the additional sitting that is being permitted by this Court. If it is extended for any reason attributable to defendant, cost of any further session shall be borne by the defendant. Date and time of additional sitting shall be decided by the Ld. Local Commissioner in consultation with the parties.

Ld. Local Commissioner is requested to file report after completion of cross examination.

List before this Court on **07.05.2026**.

(Abhitosh Pratap Singh Rathore)
DJ-05 (SW)/Dwarka Courts
New Delhi: 13.03.2026