

CS (Comm) No. 390/2026

Adtric Solution

Vs.

Jaguar Advertising & Media Solutions

01.07.2026

VC of the court is not working today.

Present : None for the plaintiff.

Sh. Madhusudan Singh, Ld. Counsel for defendant.

Since the matter was fixed for filing written statement, which has not been filed so far.

On perusal of record, it revealed that the defendant was served through e-mode on 08.05.2026 and as per own submission of Ld. Counsel for the defendant recorded in the order dated 19.05.2026, the defendant was served through e-mode on 09.05.2026 but the defendant has not filed written statement within stipulated period of 30 days as prescribed under the Commercial Courts Act. Written statement has not been filed even today. It shows that the defendant is not willing to file written statement. Hence, the right to file written statement is closed.

The plaintiff is directed to file the list of witnesses alongwith affidavit of witnesses within one week from today and get the same approved from the court before examination of the witnesses. In default, a cost of Rs.10,000/- shall be deemed to have been imposed on the plaintiff.

To achieve timely and expedient disposal of this case, a decision is arrived at for recording of plaintiff evidence by way of Court Commissioner as provided under Order 15A

Rule 6 (l) of the Commercial Courts Act and Order XXVI Rule 4A read with Order 18 Rule 4 CPC. Evidence in this case shall be recorded before Ld. Local Commissioner **Sh. Ajay Kumar Tyagi, Advocate (Enrl. No.D-2114-A/04 & Mob.9999459966)** at the earliest. The terms of the assignment are as under:

- (1) The evidence shall be recorded in this Court premises and Ahlmad/Assistant Ahlmad shall make available the court file to the LC while recording the evidence and the concerned party is required to pay a sum of Rs.500/- per hearing to the Ahlmad/Assistant Ahlmad for making available the file.
- (2) Ld. Local Commissioner shall administer oath to the witness under examination as per the Oaths Act.
- (3) The evidence shall be preferably typed on a paper or in case of non availability, the same shall be neatly hand written.
- (4) Ld. Local Commissioner shall comply with the provisions of Order 18 Rule 4 CPC while recording the evidences of the witnesses.
- (5) The documents shall be exhibited but in case of any objection to the exhibition of documents the same shall be recorded by the Local Commissioner.
- (6) In case Ld. Commissioner finds any question not related to the fact and issue, he shall record his objection but shall allow the question to be put and witness must answer.
- (7) Remuneration fee for recording of evidence is fixed at Rs.15,000/- for each, main/public witness and Rs. 10,000/- for official witnesses, which shall be paid to Ld. LC in advance, by the plaintiff. It is also clarified that in case the witnesses are not cross-examined in one day/session (three hours), the fee for the cross examination of the witnesses on the other day/session shall be paid by the defendant conducting cross-examination. The stenographer be arranged by LC and the actual cost of typing shall be paid by the plaintiff to Ld. LC (upto Rs.1,000/- per witness). Further, in case any adjournment is sought by any party, the fees of Ld. LC of that particular day shall be paid by the party seeking adjournment.

Plaintiff is directed to appear before Ld. Local Commissioner for recording of evidence. The Ld. LC may fix date of recording of plaintiff evidence in consultation with the parties, and to conclude the evidence prior to final arguments.

Report be filed by Ld. Local Commissioner on or before the next date of hearing.

Put up for final arguments on **21.07.2026**.

A copy of this order be sent to the Local Commissioner and be also given dasti to the parties for information and necessary compliance.

(Ramesh Kumar-II)
District Judge (Commercial Court)-08
Central, Tis Hazari Courts, Delhi
01.07.2026