

29.03.2022

Proceedings have been held by way of physical hearing.

Present: Mr. A.K. Jain, counsel for plaintiff.
None for D-1 & D-3.
Mr. Ajay Bansal, legal aid counsel for D-2.
None for D-4.

Both present counsels submitted that the matter was referred to local commissioner twice but on both occasions the lock down was imposed due to which evidence could not be recorded there.

Ld. Counsel for parties are informed about the procedure with regard to recording the evidence by Local Commissioner. **Sh. Ravi Kumar, Advocate, Enrollment no. D-648/13, F-715, Mobile No. 9716761484** is appointed as Local Commissioner for recording evidence.

Ld. Local Commissioner has been given guidelines that evidence shall be recorded preferable on the same day and if it is not possible on the same day, then on the next date evidence shall continue on day to day basis, till conclusion. Any alteration in schedule for recording of evidence if needed shall be decided by the ld. Commissioner as per convenience of all concerned. Ld. Commissioner shall record evidence in court room no. 127 at 2:00 P.M. onwards.

Contd..2

Ld. Commissioner shall conclude the recording of evidence preferable on the same day or within shortest time possible but no later than within 90 days of assignment of the case. Once started, the cross-examination shall be continued on day to day basis. In case of any hardship viz ill health etc. the case can be deferred for a day or two not later than three days. Any alteration in schedule for recording of evidence if needed shall be decided by the Ld. Commissioner as per convenience of all concerned.

Ld. Commissioner shall exhibit all the documents sought to be proved by a party on record. In case of any objection to exhibition of the documents by the either side, the objection shall be recorded in detail and left open with an assurance that mer marking of such exhibits will not be treated as conclusive proof thereof and that admissibility of such document shall be decided by the referral court at final stage. Ld. Commissioner will categorically mention a documents as OSR in case original documents are seen and return. 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.

Remuneration fee of Ld. Local Commissioner is fixed at Rs.3,000/- per hearing for two hours. Such remuneration shall be paid by the party directly for each day's work against due receipt. It is directed at the time of recording of evidence, one of the Ahlmads shall

remain present with the judicial record; and he shall be paid a sum of Rs. 500/- per day. The Ahlmad shall ensure the safety of the judicial record. Each party shall bear the cost of leading its evidence separately. However, in case adjournment is sought by any of the parties, cost for that day shall be borne by the party seeking adjournment. All payments shall be redeemable as cost of litigation at the end of the suit.

Parties are directed to appear before LC on 05.04.2022 at 2 P.M. However, the time may be changed by parties and ld. LC as per mutual convenience.

Let appropriate steps be also taken for summoning of witnesses by the parties on filing of PF. Diet money to be paid on the spot. Copy of order be given dasti to both the parties. Copy of order be also sent to the LC.

Put up for report of LC on 04.07.2022.

(Umed Singh Grewal)
ADJ-02, WEST
29.03.2022