

22.11.2022

Present: Sh. Simaranjit Singh, Counsel for the plaintiff.
Sh. Jai Ram Garg, Counsel for the defendant.

Recording of evidence on behalf of the plaintiff was directed to be carried out before the ld. Local Commissioner.

The matter has been listed today for waiting for the report of Local Commissioner. Same has been received in a sealed cover.

After perusing the same, it has come to highlight that after 31.08.2022, no evidence has been recorded before the ld. Local Commissioner on account of the fact that the counsels for the plaintiff and defendants could not agree to a suitable date.

Ld. counsel for the plaintiff who appeared in the morning, submitted that there was some problem with regard to the date since the witness was not available for further cross-examination after 31.08.2022, due to some family exigency.

Ld. counsel for defendants has strongly pitched for recording of evidence before this Court instead of being recorded by the ld. Local Commissioner.

However, ld. counsel for the plaintiff submits that the matter be sent back to the Local Commissioner for recording of evidence on his undertaking to bring plaintiff's witness/es for cross-examination and other witness for their examination irrespective of the eventuality, and that he shall not seek any adjournment.

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In view of the undertaking by the ld. counsel for the plaintiff, the matter be again referred to ld. Local Commissioner so that recording of evidence can proceed with.

Ld. counsels for the parties are directed to appear before the ld. Local Commissioner on 30.11.2022 for working out further dates of examination of witnesses on behalf of the plaintiff.

List of witnesses has been filed belatedly.

Consequently, cost of Rs.5,000/- is imposed upon the plaintiff subject to which, list of witnesses filed on 22.09.2022 is taken on record.

Cost be deposited in Bharat Ke Veer Fund.

Put up before the Court on **24.01.2023** for the report of Local Commissioner.

(Ajay Gulati-I)
ADJ-02, WEST
THC, Delhi/22.11.2022