

19 Civ DJ 603/20

GANESH KUMAR PORWAL Vs. AVDESH KUMAR PORWAL

18.09.2025

File is taken up today on an application under Order 47 Rule 1 r/w Section 151 of CPC moved on behalf of defendants.

Present Sh. Nishant, Ld. Counsel for plaintiff through VC.

Ms. Aneshka Bagla, Local Commissioner through VC.

Sh. Gulshan Kumar, Ld. Counsel for defendants.

Ld. Counsel for defendants submits that he has moved an application for recalling of order dated 14.08.2025. It is submitted that both defendants are to be examined in defence that is why no list of witnesses has been filed by the defendants. It is submitted that in order dated 14.08.2025 it is mentioned that only one witness would be examined by the defendants but there are two defendants and both defendants want to lead defence evidence.

Heard.

In view of submissions made both defendants may examine themselves in defence evidence. Needless to mention that no list of witnesses has been filed by either of defendants. Further, Ld. Counsel for defendants submits that defendants are not in a position to bear the fees of the LC this is why this application is moved.

Vide letter bearing no. 042/DSLISA/LAW/Judl.Dir/2019/1337 dated 11.02.2017 of the Ld. Member Secretary, DSLISA, the directions of the Hon'ble High Court passed in the matter titled "*New Delhi District Legal Services Authority v. Jaspal S. Shergil and ors.*" bearing CM(M) No. 216/2020 vide order dated 08.02.2022,

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were circulated for compliance. The relevant portion of the directions is quoted as under :

“In view of the position outlined above, it would be appropriate for Courts to appoint local commissioners at the expense of the authority from the panel maintained by it, and at the prescribed fees. The proper course therefore, when the Trial Courts are approached for such assistance, would be to issue notice to the authority to examine the eligibility of the litigant for legal services and to appoint a local commissioner from the panel of the authority at the prescribed schedule of fees. Such a procedure would obviate any difficulties faced by the authority and yet provide required legal aid to eligible beneficiaries.”

In these circumstances, issue notice to the Ld. Secretary, DLSA, West to examine the eligibility of the defendants for legal services and also to provide the list of advocates empanelled with them for appointing the local commissioner for recording of their evidence for 27.11.2025.

Defendants are directed to appear before the Ld. Secretary, DLSA, West for examination of their eligibility for legal services assistance for appointment of LC for 25.09.2025.

Copy of the letter dated 11.02.2022 be enclosed alongwith the notice to the Ld. Secretary DLSA, West alongwith copy of this order for information and compliance.

At this stage, Ld. Counsel for plaintiff submits that plaintiff

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is ready for leading his evidence before the Ld. LC already appointed vide order dated 14.08.2025, however, the defendants and their Counsel are not appearing for plaintiff evidence. There is no reason for the defendants not to appear before Ld. LC for cross examination of plaintiff witnesses when it is the plaintiff who has undertaken to bear the fees of Ld. LC for his witnesses.

In these circumstances, evidence of plaintiff be recorded before Ld. LC appointed vide order dated 14.08.2025 within a month and the Ld. Counsel for the defendants to cross examine the plaintiff witnesses before the Ld. LC.

Put up for filing report of Ld. LC regarding plaintiff evidence / report of Ld. Secretary DLSA regarding the eligibility of the defendants for legal services for 27.11.2025.

SUSHEEL BALA DAGAR
DISTRICT JUDGE-08
WEST/DELHI/18.09.2025