

27CS (COMM.)6905/24

SPREAD HOME PRODUCTS Vs. MS K RAMANATHAN CO.

24.07.2026

Present: Ms. Shikha Gupta, Id. Counsel for plaintiff (through VC).

Sh. Nikhil Farnandis, Ld. Counsel for defendant (through VC).

WS of the defendant was filed on 15.09.2021, copy of the same was supplied to Id. Counsel for plaintiff as is reflected from the order dated 10.04.2026. Ld. Counsel for defendant submits that he has received the copy of the replication/rejoinder only yesterday. Record of E-filing shows that rejoinder has been filed only on 17.07.2026, the hard copy of the same has not yet been filed in the Court. Consequently, the **replication is not allowed to be taken on record having been filed beyond the period prescribed under the law.**

From the pleadings following issues are being framed :

1. Whether the plaintiff has concealed the material facts regarding the place of installation of lift and other facts ? OPD.
2. Whether the plaintiff is entitled for decree of sum of Rs.22,61,665/-, as prayed for? OPP.
3. Whether the plaintiff is entitled for pendent lite and future interest, if so, at what rate? OPP.
4. Relief.

No other issue is arises or pressed for. List of witnesses be filed within two weeks from today.

To achieve timely and expedient disposal of this case, a decision is arrived at for recording of 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. Rohit Rana, Advocate, Enroll. No. D/7597/2021 Mobile no.9873747433** 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 parties are 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 by the either side the same shall be recorded by the Local Commissioner.
- (6) On the request of Ld. Counsel, cross examining the witness, portions of deposition may be recorded in question answer form.
- (7) All the objections raised during cross-examination/re-examination shall be recorded in the deposition under the title objections and shall be left open for the decision of the Court at the stage of final arguments. Witness shall not refuse to the answer the question raised.

- (8) 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.
- (9) Remuneration fee for recording of evidence is fixed at Rs.10,000/- for each, main/public witness and Rs.5,000/- each for official witnesses, which shall be paid to Ld. LC in advance, by the respective party. The stenographer be arranged by LC and the actual cost of typing shall be paid by the plaintiff/defendant to Ld. LC (**upto Rs.1,000/- per witness**). Further, in case any adjournment is sought by either of the parties, the fees of Ld. LC of that particular day shall be paid by the party seeking adjournment.
- (10) Exhibition shall be in the following manner:-
 - A)**
 - (i) The affidavit in evidence of plaintiff's witnesses shall be exhibited as Ex.PW1/A, Ex.PW2/A, Ex.PW3/A and so on.
 - (ii) Affidavit in evidence of the defendant's witnesses shall be exhibited as Ex.DW1/A, Ex.DW2/A and Ex.DW3/A and so on.
 - B)**
 - (i) The documents of the plaintiff which are original, certified copies or computer print outs accompanied by certificate(s) U/s 65-B of Indian Evidence Act or 63 of BSA shall be exhibited and their numbers shall be exhibit as Ex.PW1/1, Ex.PW1/2, Ex.PW1/3 and so on.
 - (ii) The documents of the defendant which are original, certified copies or computer print outs accompanied by certificate(s) U/s 65-B of Indian Evidence Act or 63 of BSA shall be exhibited and their number shall be exhibit as Ex.DW1/1, Ex.DW1/2, Ex.DW1/3 and so on.
 - C)**
 - (i) The documents of the plaintiff which are only photostat copies, shall be marked as Mark P1, Mark P2, Mark P3 and so on.
 - (ii) The documents of the defendant which are only photostat copies, shall be marked as Mark D1, Mark D2, Mark D3 and so on.
 - D)**

No two documents shall be exhibited collectively. Every document shall be exhibited individually.

E)

If the documents have been exhibited wrongly in affidavit in evidence, the correction cannot be made in the affidavit after attestation. In that eventuality when the affidavit is being tendered, the documents shall be de-exhibited and re-exhibited before the Local Commissioner in above manner.

F) The Local Commissioner is to furnish report in following form:

- (i) He shall mention in brief the steps taken by him on each and every date.
- (ii) Thereafter he shall annex order-sheets in chronological order.
- (iii) Then he shall annex affidavit in evidence of plaintiff's witness, his examination-in-chief and thereafter cross examination.
- (iv) Then he shall annex affidavit in evidence of defendant's witness, his examination-in-chief and thereafter cross examination.
- (v) Thereafter he will annex the documents.

Parties are directed to appear before Ld. Local Commissioner for recording of evidence. The Ld. LC may fix other date of recording of 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 **24.10.2026**.

(Shailender Malik)
District Judge (Commercial)-02
North District, Rohini Courts,
Delhi/24.07.2026