

4 CS (COMM) 395/26

RDPL DIGITAL VALUE ADDED SERVICES PRIVATE
LIMITED Vs. KIRTI SALES AND SERVICES

10.08.2026

Present: Ms. Sugandha Sharma, Ld. Counsel for the plaintiff
through VC.
None for defendant.

Despite service neither the defendant has appeared nor filed WS within the stipulated time period in view of Order VIII Rule 10 of CPC, therefore, right of defendant to file WS is struck off. Since defendant is not appearing, therefore, defendant is hereby proceeded exparte.

On the basis of the records available, the following issues are framed:

- (1) **Whether the plaintiff is entitled a decree to a tune of Rs.71,52,078.75, if so at what rate of interest and for which period?OPP**
- (2) **Whether the suit is within limitation?OPP**
- (3) **Whether this court has territorial jurisdiction to try and entertain present suit?OPP**
- (4) **Whether the plaintiff has complied with Section 12A of the Commercial Courts Act?OPP**
- (5) **Relief.**

No other issue arises or pressed upon.

This court invoking the provisions of order XV-A of CCA 2015 direct that evidence be recorded by Ld. Local Commissioner. Accordingly, **Ms. Shubham Bharara, Advocate (Mob. 9354881305)** is hereby appointed as LC for recording the evidence in the present matter in terms of Order 18 Rule 4 (2) CPC. Learned Counsel for plaintiff is informed about the procedure

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with regard to recording to evidence by the said LC. Ld. Local Commissioner has been given guidelines that evidence shall be recorded preferably on the same day and if it is not possible on the same day, then on the next day and that the Ld. LC shall administer Oath to the witness under examination as a delegate of the Court as per Oaths Act. 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 LC as per convenience of all concerned. LC shall record evidence outside the court room agreeable and convenient for the parties. LC shall conclude the recording of evidence preferably on the same day or within shortest time possible on day to day basis. In case of any hardship viz. Ill-health etc. the case can be deferred for a short span of 2/3 days. Any alteration in schedule for recording of evidence if needed shall be decided by the LC as per convenience of all concerned.

Ld. LC shall exhibit all the documents sought to be proved by a party on record. LC will categorically mention a document as OSR in case original documents are seen and returned. In case LC 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 to answer.

Remuneration fee of LC is fixed at Rs.5,000/- per hour, (maximum cap for recording one witness is fixed to Rs. 15,000/- whichever is lesser including fee of typing etc. for typist).

Such remuneration shall be paid by the party directly

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for each day's work against due receipt. It is directed that at the time of recording of evidence, one of the Ahlmads shall remain present with the judicial record and he/she shall be paid a sum of Rs.1,000/- per day. The Ahlmad shall ensure the safety of the judicial record. Plaintiff shall bear the cost of leading its evidence. 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 Ld. Local Commissioner **on 25.08.2026 for PE.**

Put up for report of LC, case management hearing /final arguments on **27.08.2026**. Plaintiff is directed to file list of witnesses and affidavit of evidence within a week. Let appropriate steps be also taken for summoning of witnesses by the plaintiff on filing of PF. Diet money to be paid on the spot.

Plaintiff would be at liberty to file his written submissions together with judgments, if any well before the date of final arguments.

Copy of this order be given dasti to the Ld. Counsel for plaintiff as well as to Ld. Local Commissioner.

(LALIT KUMAR)
District Judge
(Commercial Court-02)
South-East, Saket Courts, ND
10.08.2026 AK