

CS (COMM) NO.54/2026

STATE BANK OF INDIA

VS.

ANIL KUMAR

13.07.2026

Present: Sh. Madhusudan, Ld. Counsel for the plaintiff
(mob.9310967985).

I have perused the record. The defendant has been served on 10.06.2026 through Whatsapp as well as through speed post on 11.06.2026 but no written statement has been filed by the defendant within the period of 30 days as prescribed under the Commercial Courts Act. No WS has been filed even today. As such the right of the defendant to file WS is closed and her defence is hereby struck off.

In so far as 120 days are yet to elapse, the defendant is at liberty to move appropriate application seeking condonation of delay in filing WS within this window.

From the pleadings, the following notional issues are framed:

- (1) Whether the Plaintiff is entitled to Decree in the sum of Rs.6,96,859/- as prayed for? OPP
- (2) Whether the Plaintiff is entitled to any interest and if so, at what rate, at what amount and for what period?.... OPP
- (3) Relief.

The plaintiff is directed to file the list of witnesses alongwith affidavit of witnesses within three days from today and get the same approved from the court before examination of the witnesses. In default, a cost of Rs.10,000/- shall be deemed to

have been imposed on the plaintiff.

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 **Ms. Saomya Sharma, Advocate (Enrl. No.D/6088/2025 & Mob.7982134605)** 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 the same shall be recorded by the Local Commissioner.
- (6) 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.
- (7) Remuneration fee for recording of evidence is fixed at Rs.10,000/- for each, main/public witness and Rs.5,000/- for official witnesses, which shall be paid to Ld. LC in advance, by the plaintiff. It is also mentioned that in case the witnesses are not examined in one day/session (three hours), the fee for the examination of the witnesses on the other day/session shall be paid by the plaintiff. The stenographer be arranged by LC and the

actual cost of typing shall be paid by the plaintiff to Ld. LC (upto Rs.1,000/- per witness). Further, in case any adjournment is sought by any party, the fees of Ld. LC of that particular day shall be paid by the party seeking adjournment.

Plaintiff is 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 plaintiff, and to conclude the evidence prior to final arguments.

Report be filed by Ld. Local Commissioner on or before the next date of hearing.

Put up for final arguments on **25.07.2026**.

A copy of this order be sent to the Local Commissioner and be also given dasti to the counsel for the parties for information and necessary compliance.

(GORAKH NATH PANDEY)
District Judge (Commercial Court)
North East District: Karkardooma Courts:
Delhi/13.07.2026