

In the Court of Sh. Naresh Kumar Laka
District Judge – 07, Central,
Tis Hazari Court, New Delhi

CS DJ No. 541/2025
CNR No. DLCT01-007170-2025

Kusum Lata Soni

.....Plaintiff

vs.

Rajinder Soni & Ors.

.....Defendants

Dated: 22.07.2026

ORDER

Sub: Appointment of Local Commissioner for recording of evidence.

This court suggested for appointment of a Local Commissioner as per Order 18 Rule 4 CPC for recording of evidence to expedite the trial. Ld. Counsel for the parties agreed.

2. Accordingly, **Advocate Sh. Aabhar Jain (Mob 8826886260), Chamber No. 851, Saket Court, New Delhi-110017**, is appointed as Local Commissioner for recording of evidence of both sides in this case as per **Order 18 Rule 4 (2) CPC**.

3. Contacts details are as under:
Mohd. Husnain (Mob. 9415458008), Ld. Counsel for plaintiff.
Sh. Aditya Rana (Mob. 9891234067), Ld. Counsel for defendant no. 1 and 2.
Sh. Jatin (Mob. 8588071338), Ld. Proxy Counsel for defendant no. 3.

4. The terms of the assignment of the case are as under : -

A. Assignment of case by court for recording of evidence:-

1. **Schedule of Evidence** – Evidence shall be recorded expeditiously. If it is not possible on the same day, then on the next day. Evidence shall

continue on day to day basis till conclusion. Any alteration in schedule for recording of evidence if needed shall be decided by Ld. Commissioner.

2. **Supply of Dasti copy to parties:-** Copy of such referral order shall be given dasti to all the parties.

3. **Judicial File not to be sent:-** It is clarified that the judicial file shall not be sent but if it is required, an oral request can be sent to the Ahlmad of the court and the Ahlmad/Asst. Ahlmad/Orderly shall take the file to the Local Commissioner by informing the undersigned and a cost of Rs. 500 will be paid to him by the summoning party.

4. **Affidavit in Chief:-** The affidavit of evidence of PW/DW, if not filed earlier, be filed on record and advance copy be supplied to the opposite counsel.

5. **Production of Documents for examination:** In case any party is desirous of production of any document by the witness on any other entity for the purpose of examination, an application requesting the same may be moved before this court in advance.

B. Recording of evidence by the Commissioner-

1. **Place and Time-** Ld. Commissioner shall record evidence **at his Chamber or Library, Tis Hazari Court Complex or any other place**, agreeable to all the parties. Evidence can be recorded in the Court Room also after 3.00 PM. Evidence shall be recorded as per convenience of the Local Commissioner. It can carry on beyond 5.00 PM as well if both parties agree. It can even be recorded on a holiday if all the stake holders are comfortable and agreeable.

2. **Chronology of Recording-** Ld. Commissioner shall proceed to record the examination by first recording the examination in chief by tendering the affidavit and then cross examination.

3. **Oath to Witnesses-** Ld. Commissioner shall give oath to the witness under examination as a delegate of the Court as per Oaths Act.

4. **Recording of Evidence-** The evidence shall be preferably typed on a computer or laptop to be arranged by the LC.

5. **Time Frame-** Ld. Commissioner shall conclude the recording of evidence preferably on the same day or within shortest time possible.
6. **Comfortable Sitting Space-** All the witnesses and their Ld. Counsel shall be provided comfortable sitting space.
7. **Exhibition of Documents-** Ld. Commissioner shall exhibit all the documents sought to be proved by a party on record. In case of any objection to exhibition or marking of the documents, the objection shall be recorded and left open with an assurance that mere marking of such exhibits will not be treated as conclusive proof thereof and that admissibility of such document shall be decided by the referral court at final stage.
8. **Original Documents to be Retained by Parties:** Ld. Commissioner shall make an observation in the record of evidence of all original documents produced and he shall sign the exhibit with an endorsement “**OSR**” wherever necessary.
9. **English Language-** The Local Commissioner shall record the evidence in English language.
10. **Adjournment-** Once started, the cross-examination shall be continued on day to day basis. In case of any hardship viz. Ill health etc. the case can be deferred. **It is made clear that the Ld. Local Commissioner can impose any cost to the extent of Rs. 2000 for a single default on the defaulting party/counsel, payable to the opposite party/counsel and the Ld. LC in part or full.** The aforesaid cost shall form part of remuneration of plaintiff and compensation to the other party as per Order 26 Rule 15 CPC.
11. **Question-Answer-** On the request of Ld. Counsel cross-examining the witness, portions of deposition may be recorded in question-answer form.
12. **Questions to be allowed-** 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.
13. **Assisting the Witness-** In case witness is unable to understand the question put to him, Ld. Commissioner shall elaborate the same in an easy

was to understand.

14. No Third Person Intervention- Ld. Commissioner shall ensure that the witness is not intervened by his Ld. Counsel or any other third party while under cross-examination.

15. Recording of Demeanor of witness- Ld. Commissioner shall record the demeanor of the witness wherever it is found pertinent and necessary for sharing with the Court.

16. Witness to sign all pages- Ld. Commissioner shall obtain signatures of both the sides on each and every page of recording of evidence apart from signing them herself.

17. Copy of Evidence- All interested parties shall be provided uncertified copy of the evidence recorded, free of cost.

18. Safety of original deposition- Ld. Commissioner shall keep the original depositions in his/her safe custody till such time they are filed in the court in original upon completion of each witness individually.

19. Miscellaneous Proceedings- Ld. Commissioner shall maintain a miscellaneous proceeding sheet for each day of work and shall submit it in the Court with the report.

C. Summoning of Official Witnesses-

1. Summons from court- In case a litigating party is desirous of summoning an official witnesses, it shall obtain summons from the Court with an endorsement that witness shall appear before the address of Ld. Commissioner for recording of evidence on scheduled date, time and place.

2. Diet Money- Diet money shall be paid to such witness by summoning party as per rules.

D. Advisory to Ld. Commissioner:

1. Impartial- Ld. Commissioner shall conduct herself in an impartial way and behave in an indiscriminate manner while recording of evidence.

2. Polite- Ld. Commissioner shall be polite with the witness and other stake holder while recording of evidence.

3. **Confidentiality-** Ld. Commissioner shall maintain confidentiality during the whole process.
4. **Keeping distance-** Ld. Commissioner shall not solicit professional work from the parties.
5. **Integrity-** Ld. Commissioner shall not except remuneration or any favour in cash or kind from the parties over and above the amount fixed by the Court.
6. **Non-judgmental-** Ld. Commissioner shall not criticize the professional conduct of litigating parties, lawyers on their understanding of law of either of the parties or ridicule them in any manner.
7. **Punctuality-** Ld. Commissioner shall adhere to punctuality and shall not make excuses like he is engaged in some personal court work etc.
8. **Coordination-** In case of any foreseen circumstances warranting change of dates of hearing, for his own case or the request of other side, he shall apprise the other side in advance via phone call, email, sms etc.
9. **No Third Party Sharing-** He shall not allow the deposition to be inspected by any third party and shall not share a copy thereof with anybody/stranger without permission of the Court.
10. **Inspection-** He shall not allow any party to inspect the recorded proceedings in his absence.

E. Remuneration of Ld. Commissioner:-

1. **Quantum-** In terms of Order 18 Rules 4 CPC the remuneration for the purposes of Commissioner shall be fixed by the Court.
2. **Mode of Payment:-** Such remuneration shall be paid by the party directly for each day's work either by way of cash, cheque or draft against due receipt.
3. **Fee to be paid:** Fee for recording of evidence is fixed at **Rs.2,500/- per hour**, (which shall include the cost of typing, hiring of a

stenographer/typist and supply of copy of deposition) and the said fees shall be paid by the plaintiff for all the PWs and DWs towards examination in chief as well as cross-examination.

4. To be added as Litigation Cost- Such payments shall be redeemable as cost of litigation at the end of the suit. The Local Commissioner is directed to file statement of amount received from the parties along with his report after conclusion of evidence.

F. Judicial Intervention during recording of evidence-

1. Parties to Cooperate- It is expected that both the sides will cooperate with Ld. Commissioner as well as each other and record evidence in a peaceful manner.

2. Dissolution of stalemate- In case of any conflicting circumstances parties shall resolve issues at their own with the active help of Ld. Commissioner.

3. Court Intervention- However, in case of any unforeseen situation requiring judicial intervention, Ld. Commissioner shall fix date and time for joint appearance of both sides before the Court for removal of any such impediment.

5. At request, the copy of this order be given dasti to the parties / their counsels /their ARs and the Local Commissioner. Parties are directed to appear before the Ld. LC on **17.09.2026 at 2:00 PM**. Ld. LC is directed to fix the date for recording of evidence preferably after interval of 7 to 10 days and with the consent of the parties, it can be taken up on day to day basis. Put up before this court on the same date after recording of evidence. Copy of order be given **dasti**.

(Naresh Kumar Laka)
District Judge-07/Central District,
Tis Hazari, Delhi.