

1 CS (COMM.) 926/22
MOHAN INFINITY Vs. SHRI BABOSA TRADERS

06.12.2024

Present: Sh. Mohit, Ld. proxy counsel for plaintiff.
None for defendant.

Matter has been called out several times since morning. No one has appeared on behalf of the defendant. It is already 2.15 P.M. ***The defendant is accordingly proceeded ex parte.***

I exercise my power Under Order XV A Rule 6 (o) and (p) CPC, directing that evidence in the matter shall be recorded by learned Local Commissioner, appointed by this Court on commission basis. Accordingly, it is directed that the evidence in the matter shall be recorded on commission basis by **Ms. Divyanshi Bansal, Advocate, having mobile number 8368049712. The fee of the learned Local Commissioner is fixed as Rs.5,000/- per witness.** The evidence shall be recorded at Judicial Library, Rohini District Court Complex or any other place as per the convenience of learned Local Commissioner on the date and time agreed, but not later than the date fixed by this Court for submitting report. It is hereby clarified that plaintiff shall bear the expenses of learned Local Commissioner for recording of plaintiff's evidence. Further, at the time of PE, plaintiff shall arrange the typist/stenographer for recording of evidence, failing which, learned Local Commissioner shall arrange the same and plaintiff has to bear Rs.1,000/- per day for the same, which shall be in addition to the fee prescribed for learned Local Commissioner per witness.

Ahlmad/Nazir/Reader shall make available himself/herself with the Court file and diet money for the said purpose is fixed as Rs.500/- per visit. Learned Local Commissioner shall record verbatim in question and thereafter record answers verbatim. In case of any objection being raised by the plaintiff, same shall be recorded verbatim which shall be

adjudicated by this Court. Learned Local Commissioner on the same day shall supply the copy of evidence recorded to the plaintiff on its own cost. The Ld. Local Commissioner shall also submit typed copy thereof in the Court.

Let list of witnesses be filed by the plaintiff within ten days.

Plaintiff is directed to contact and appear before learned Local Commissioner on **13.12.2024 at 2.00 P.M.**, who thereafter may fix dates of recording evidence as per his/her convenience.

A copy of this order be sent to learned Local Commissioner by way of Whatsapp/E.mail for information and necessary action. The Reader attached to this Court is directed to inform the learned Local Commissioner telephonically also in this regard.

A copy of this order be given dasti to Ld. Counsel for plaintiff.

List the matter for report of learned Local Commissioner/ final arguments now on **03.01.2025**.

(Vinod Yadav)
District Judge (Commercial Court)-02
North-West/Rohini Courts/06.12.2024