

14.08.2026

Present: Ms. Akshita, Ld. Counsel for the plaintiff.
Sh. K.M.Diwedi, Ms. Simran Motwani and Ms.
Shanti Raghvan, Ld. Counsel for the defendant.

Replication on behalf of the plaintiff. Same is taken on record. Now the pleadings are complete.

From the pleadings, the following notional issues are framed:

1. Whether plaintiff is entitled to recovery of the suit amount as prayed for ?OPP.

2. Whether the Cheques bearing no. 799744 dated 10.04.2021, 799745 dated 07.09.2021, 799749 dated 16.12.2022, 799751 dated 05.09.2023, 799753 dated 16.04.2024, 799755 dated 10.01.2026 were supplied by the defendant as security cheques ?(OPD)

3. Whether plaintiff is entitled to interest? If yes, at what rate and for what period as prayed for ?OPP

4. Relief.

Plaintiff as well as defendant are directed to file list of witnesses alongwith affidavits of witnesses within 15 days and get approved from the Court before examination of the witnesses. Steps be also taken for summoning of the witnesses when the date of examination of the witness is fixed. In default, a cost of Rs.5,000/- shall be deemed to have been imposed on the plaintiff.

At this stage, Ld. Counsel for plaintiff as well as Ld. Counsel for defendant agrees that Local Commissioner be appointed for recording of the evidence in the present case and 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. Anuj R.Yadav, Advocate (Enrl. No. D-4836/2010 & Mob. 9871935898)** 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 witness.
- (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 plaintiff. It is also mentioned that in case the witnesses are not examined/cross-examined in one day/session (three hours), the fee for the examination/cross examination of the witnesses on the other day/session shall be paid by the respective parties. 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.

It is pertinent to mention here that the cost of adjournment shall bear by the party, who seeks adjournment.

Both the parties are directed to appear before Ld. Local Commissioner for recording of evidence.

A copy of this order be sent to Local Commissioner **Sh. Anuj R.Yadav, Advocate (Enrl. No. D-4836/2010 & Mob. 9871935898)** and be also given dasti to the Counsel for the plaintiff **Ms. Akshita (Mobile No. 9868387454)** and **Sh. K.M.Dwivedi, Ld. Counsel for defendant (mobile No. 9811028674)** for information and necessary compliance.

Put up for filing of report of LC on 17.11.2026.

(JAGDISH KUMAR)

District Judge, Comm. Court-01
North, Rohini Courts, Delhi
14.08.2026