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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TEST.CAS. 65/2010**

VINAY KHANNA

.....Petitioner

Through: Ms Mala Goel with Mr Parvinder,
Advocates.

versus

STATE & ORS

.....Respondents

Through: Mr Sandeep P. Agarwal, Sr. Advocate
with Mr Rajesh Pathak and Ms Tanya
Chanda, Advocates for R3.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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23.07.2025

I.A. 15085/2025 (under Order 18 Rule 4 CPC)

1. Heard learned counsel appearing for the parties on I.A. 15085/2025. Various circumstances have been enumerated in the said application so as to indicate that under the peculiar facts and circumstances of the case, the evidence of PW-1 (Sh. Raghubir Chand Mehra) be directed to be recorded before the Joint Registrar.
2. Additionally, it is also contended that the remaining witnesses be also examined before the concerned Joint Registrar.
3. Learned Senior Counsel Mr Sandeep Agarwal assisted by Mr Rajesh Pathak, who appears for the respondent no.3 submitted that the Local Commissioner was appointed with the consent of all the parties.
4. He further submitted that on one pretext or the other the proceedings



of the case are being protracted and therefore, the instant application does not have any merit and be accordingly rejected. Alternatively, he contended that if the application is to be allowed, the expenses with respect to stay and to-and-fro of the witnesses shall be borne by the applicant/petitioner.

5. He also submitted that no adjournment shall be sought by the applicant/petitioner before the Joint Registrar and the next date of the evidence be also not postponed.

6. Having considered the submissions made by the learned counsel appearing for the parties and on perusal of the reasons for filing the application, the court, in the interest of the justice, finds it necessary to allow the same and to recall the earlier orders.

7. The permission is granted for the cross-examination of attesting witness PW-1 (Sh. Raghubir Chand Mehra) before the Joint Registrar. Additionally, all remaining witnesses be also continued to be examined/cross-examined before the Joint Registrar. The statement of Ms. Goel, on instructions, is taken on record that all expenses of out stationed witnesses including stay, and to-and-fro shall be borne by the applicant/petitioner.

8. It is also directed that none of the parties shall seek for unnecessary adjournment. Let the hearing of the case be expedited looking at the age of the parties.

9. Since PW-1 (Sh. Raghubir Chand Mehra) is aged, i.e., more than 90 years, therefore, Court permits one attendant to accompany him. The expenses of the attendant shall also be borne by the applicant/petitioner.

10. The application is disposed of.

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Let the matter be listed before the Joint Registrar on the date already fixed i.e., 05.08.2025.

PURUSHAINDRA KUMAR KAURAV, J

JULY 23, 2025

tr/mj