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

+ **FAO(OS) 22/2026**

PHOOL KUNWARAppellant

Through: Mr. Rohit Nagpal, Mr. Swetabh
Kumar & Mr. Devinder Singh,
Advs.

versus

SEEMA AND ORS.Respondents

Through: Mr. Mehul Gupta, Adv.(VC)

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE RENU BHATNAGAR

ORDER

% **17.02.2026**

CM APPL. 10890/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

FAO(OS) 22/2026 & CM APPL. 10889/2026 (Stay)

3. The present appeal has been filed against the Order dated 16.01.2026 passed by learned Single Judge of this Court passed in I.A. 1064/2026 in CS(OS) 58/2019, whereby, the learned Single Judge has dismissed the application filed under Section 151 of the Code of Civil Procedure, 1908, (hereinafter referred to as "CPC") filed by the appellant herein, seeking modification of Order dated 18.11.2025.
4. *Vide* Order dated 18.11.2025, this Court had appointed a Local



Commissioner, who is a retired Additional District and Sessions Judge, for the purpose of recording the evidence. Further, the fees of the said Local Commissioner was fixed at Rs. 35,000/- per day to be borne by the appellant herein.

5. Being aggrieved of the aforesaid directions, the appellant preferred an application under Section 151 of the CPC before the learned Single Judge seeking modification of the abovesaid order, citing financial constraints to pay the fees of the Local Commissioner. However, the said application was also dismissed, giving rise to the present appeal.

6. Issue notice.

7. Learned counsel appearing for the respondents, accepts notice.

8. At this stage, both the parties agree that the evidence can take place before one of the Joint Registrars of this Court. In view thereof, there is no need for appointment of a Local Commissioner.

9. Let the parties appear before the learned Joint Registrar (Judicial) on 19.02.2026 for recording of the evidence in CS (OS) 58/2019.

10. The order stands modified to the said extent.

11. In view of the aforesaid observations, the present appeal along with pending applications, if any, stands disposed of.

VIVEK CHAUDHARY, J

RENU BHATNAGAR, J

FEBRUARY 17, 2026 /pr/SM