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

+ **CS(OS) 568/2021**

MANISH RACHHOYA

.....Plaintiff

Through: Ms. Smita Maan and Ms. Vrinda Jain,
Advts.

versus

KAMAL KANT RACHHOYA

.....Defendant

Through: Mr. Atul Singh and Mr. Manish
Basista, Advts.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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10.03.2026

I.A. 6006/2026 (by defendant seeking early hearing)

1. The present application has been filed by the defendant seeking early hearing of I.A. 4057/2026.
2. For the reasons mentioned in the application, same is allowed.
3. The application stands disposed of.

I.A. 4057/2026 (under Section 151 CPC for directions by defendant)

4. The present application is taken up today for consideration with the consent of the parties.
5. By way of present application the defendant prays for direction that the entire fee of the Local Commissioner for recording of evidence shall be borne by the plaintiff or in the alternative the evidence be recorded before



the learned Joint Registrar.

6. Ms. Smita Maan, learned counsel for the plaintiff/non-applicant submits that the plaintiff is willing to bear the fee of the Local Commissioner, but her only concern is that in the event any adjournment is sought by the defendant, the cost of the adjourned hearing shall be borne by the defendant, to which Mr. Atul Singh, the learned counsel for the defendant has no objection.

7. Mr. Singh further submits that this aspect has already been recorded in order dated 11.12.2025. It is pointed out that at this stage the defendant's evidence is underway.

8. Ms. Maan submits that the place for recording of evidence is booked by the plaintiff for two hours and the defendant's witnesses appear only at the fag end of the session, which position is disputed by Mr. Singh.

9. Mr. Atul Singh, however, undertakes that the defendant's witnesses shall be available at the time fixed by the Local Commissioner for their cross-examination. The statement is taken on record and the defendant is bound down by the same.

10. No further orders are called for. The application is disposed of.

VIKAS MAHAJAN, J

MARCH 10, 2026

N.S. ASWAL