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

+ CS(OS) 424/2019 & I.A. No. 11372/2019 (O-XXXIX R-1 & 2 of CPC)

KANWALJEET KAUR TREHAN & ANR. Plaintiffs

Through: Mr. Bhagya K. Yadav, Advocates.

versus

INDERJIT SINGH BHUSRI & ANR. Defendants

Through: Mr. K. Kishore M. and Aayush B.,
Advocates for D-1.

Mr. Gaurav Puri, Mr. Sarthak Gupta,
Mr. Yashika Verma, Advocates for
D-2.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **24.03.2022**

1. On the basis of pleadings, following issues are framed:

- I. Whether the plaint is liable to be rejected for want of proper court fees? OPD
- II. Whether the present suit is maintainable in terms of Section 34 of the Specific Relief Act, 1963? OPD
- III. Whether the Gift Deed dated 12th October, 2017 is contrary to the Family Settlement/Arbitral Award dated 9th December, 1995? OPP
- IV. Whether the Gift Deed dated 12th October, 2017 has been executed by the defendant no. 2 as a result of coercion and



undue influence exercised by the defendant no. 1? OPP

V. Whether the Aide-Memoir dated 25th September, 1985 and the Family Settlement/Arbitral Award dated 9th December, 1995 creates any estoppel on the defendant no. 2 to deal with the suit property, being its lawful and legal sole owner, in any manner whatsoever including transferring the same to the name of the defendant no. 1 by way of the Gift Deed? OPD

2. No other issue arises or is pressed for in the present case.
3. List of witnesses be filed by all parties within 15 days from today.
4. Counsel for the defendant no. 2 states that the defendant no. 2 is more than 90 years of age and requests that her evidence be led at the beginning. He further prays that a Local Commissioner be appointed to record her evidence through video conferencing.
5. In the facts and circumstances of the case, it is deemed appropriate that evidence of defendant no. 2 be led first.
6. Evidence by way of affidavit of the defendant no. 2 be filed within two weeks.
7. In view of the above, it is deemed apposite to appoint a Local Commissioner for recording of evidence of the defendant no. 2 through video conferencing. Accordingly, Ms. Vasudha Bajaj (Mobile No. 9999621225) is appointed as Local Commissioner to record evidence of the defendant no. 2.
8. In this regard, following directions are being passed:
 - I. The evidence of the defendant no. 2 will be recorded through video conferencing.
 - II. The Local Commissioner shall carry out the recording of



evidence through video conferencing from within the High Court precinct as per the High Court of Delhi Rules for Video Conferencing for Courts 2021.

- III. In case of requirement of Court file, the Registry shall make the arrangements to send the Court file for the sitting before the Local Commissioner, and Rs.1,000/- is fixed towards the fees to be paid to the Court Staff to carry the Court file and the same will be borne by the defendant no. 2.
- IV. Fees of the Local Commissioner is initially fixed at Rs.30,000/- on the estimate that recording of evidence of the defendant no.2 shall be concluded in two sittings through video conferencing. Fees of the Local Commissioner shall be borne by the counsel for the defendant no. 2.
- V. If more than two sittings are held, the Local Commissioner shall be paid a fees of Rs.15,000/- per sitting, to be equally borne by the plaintiff and the defendant no.2.
- VI. In case any adjournment is taken by one of the parties, the said party shall bear the costs of the said sitting. The Local Commissioner shall decide whether the adjournment is on account of the party/parties.
- VII. The recording of evidence of the defendant no. 2 shall be completed within a period of two months.
- VIII. Counsels for the parties to approach/appear before the Local Commissioner on 31th March, 2022 at 4.30 PM for fixing dates for recording of evidence.
- IX. Parties shall render all assistance to the Local Commissioner



for recording of evidence.

9. After completion of the evidence of the defendant no. 2, list before the Joint Registrar on 12th July, 2022 for recording of further evidence.
10. A copy of this order may be sent to the Local Commissioner.

MARCH 24, 2022

Sakshi R.

AMIT BANSAL, J