



\$~26

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

+ **CS(OS) 548/2023**

NITIN JAIN

.....Plaintiff

Through: **Mr. Rupesh Tyagi, Advocate**

versus

ANKIT JAIN AND ORS

.....Defendant

Through: **Mr. Ranvir Singh, Advocate (through VC)**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 21.04.2025

1. The learned counsel for the parties state that the issues may be framed in the suit and the matter be set down for recording of evidence.
2. Accordingly, with the assistance of the parties, the following issues are being framed: -

1. Whether the Gift Deed dated 14.06.2007 executed by Defendant Nos 2 and 3 in favour of Defendant no. 4, registered on 14.06.2007 is liable to be cancelled, or in alternative is liable to be declared as invalid, illegal, unauthorized and null and void? **OPP.**

2. Whether the suit property i.e. A-2 Mansarovar Park, G.T. Road, Shahdara, Delhi-110032 ('suit property') is liable to be declared as the property (or distributable asset) of dissolved partnership firm M/s Shahdara Builders Stores? **OPP**

3. Whether the suit property was personal property of Defendant Nos. 2 and 3, having been purchased by them through their personal funds? **OPD- 1,2, & 4.**

4. Whether the plaintiff is entitled for the relief of rendition of account of M/s Shahdara Builders Stores? **OPP**

5. Whether the plaintiff is entitled for the decree of his share in capital, profits, assets, properties inclusive of suit property, goods and goodwill of M/s Shahdara Builders Stores, and if so, to what extent/amount? **OPP**
Whether the plaintiff is entitled for the relief of permanent injunction as



prayed for? **OPP**

6. Whether the plaintiff is entitled for the relief of permanent injunction as prayed for? **OPP**

7. Relief?

3. No other issue is pressed by the parties.
4. The parties are directed to file their list of witnesses within four (4) weeks.
5. The plaintiff will file the evidence affidavits of all its witnesses within six (6) weeks.
6. The defendant will file its evidence affidavits within eight (6) weeks after the plaintiff closes its evidence.
7. Learned counsel for the parties jointly request for appointment of a Local Commissioner for the purpose of recording evidence
8. In view of the aforesaid submissions Ms. Mahua Kalra (Enrol. No. D/1971/2003, Mob. No. 9810999366; email – mahua.kalra@gmail.com) is appointed as a Local Commissioner for recording the evidence of the parties. In this regard, following directions are hereby passed.
 - i. The Local Commissioner will be entitled to a fee of Rs. 15,000/- per hearing (inclusive all clerical charges).
 - ii. The fee of the Local Commissioner shall not exceed Rs. 2 lakhs. In case the number of hearings when evidence was recorded, exceeds 15, then this Court will consider enhancement of fees.
 - iii. The fee of the Local Commissioner and the cost of sittings will be borne by both the parties in equal share.
 - iv. The parties shall provide full assistance to the Local Commissioner for recording of evidence
 - v. No hearing fee will be payable on the date(s) when the matter is simplicitor adjourned on joint request, subject to parties duly informing the



Local Commissioner at least 24 hours in advance; or else the adjourned session fees will be payable by the party seeking adjournment.

vi. The Local Commissioner shall record the evidence in strict compliance with the Guidelines approved on 01.07.2024. The registry is directed to send the present order along with the copy of the Guidelines via email, besides a hard copy to be supplied through plaintiff's/defendant's counsel

9. List before the learned Local Commissioner on 05.05.2025 at 03:30 P.M. for fixing the date for recording of evidence.
10. List before learned Joint Registrar (J) on **04.09.2025**.
11. Copy of this order be sent to learned Local Commissioner for information and compliance

APRIL 21, 2025/mt/akp

MANMEET PRITAM SINGH ARORA, J

Click here to check corrigendum, if any