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

+ **CS(OS) 1086/2013**

BRISTOL DEALCOM PVT LTD

.....Plaintiff

Through: Mr. Rajat Aneja and Ms. Garima Saxena, Advs.

versus

MURTI DEVI DECEASED THR. L.R.

.....Defendant

Through: Mr. Aditya Singh, Mr. Jayant Tewithia, Mr. Pushant Sehrawat, Mr. Sidhant Tyagi and Mr. Varun Tokas, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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26.07.2024

I.A. 29875/2024 (under Order XXVI Rules 2 and 4A read with Section 151 CPC by plaintiff seeking appointment of a Local Commissioner for recording of evidence)

1. The issues in the matter have been framed.
2. The matter is at the stage of recording of evidence.
3. The learned counsel for the plaintiff submits that the Local Commissioner be appointed for the purpose of recording of evidence.
4. The request is not opposed by the learned counsel for the defendant. However, he contends that the appointment of Local Commissioner should be at the expenses of the plaintiff, which position is acceptable to the plaintiff.



5. Accordingly, Mr.P.K. Saxena (Retd. ADJ), (Mob. No. 9910384668) is appointed as Local Commissioner to record the evidence.
6. In view of the above, the following further directions are being passed:
 - i. The fees of the Local Commissioner is fixed at Rs. 20,000/- per date for effective hearing and Rs. 5000/- for ineffective date.
 - ii. Costs for recording of evidence shall be borne by the plaintiff, subject to the final outcome in the suit.
 - iii. In case, any adjournment is taken by one of the parties, the said party shall bear the costs of that sitting. The Local Commissioner shall decide whether the adjournment is on account of the party/parties.
 - iv. The evidence will be recorded by the Local Commissioner within the High Court precinct. The charges of the sitting place, as well as, that of steno shall also be borne by the plaintiff.
 - v. 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. 1,500/- 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 plaintiff.
 - vi. The Local Commissioner is requested to complete the recording of evidence of the parties within six months from today in terms of Rule 8 (ix) of Chapter XII of the Delhi High Court (Original Side) Rules, 2018.
7. The parties shall provide full assistance to the Local Commissioner for recording of evidence.
8. The parties are directed to appear before the learned Local



Commissioner on 07.08.2024 for finalising the schedule of recording of plaintiff's evidence.

JULY 26, 2024/dss

VIKAS MAHAJAN, J