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

+ **TEST.CAS. 59/2011**

SHAILESH NIGAM & ORS

.....Petitioners

Through: Ms. Somyashree, Advocate.

versus

STATE & ORS

.....Respondents

Through: Mr. Hitesh Rai, Advocate for R-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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09.05.2025

I.A. 8439/2025 (Exemption)

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

I.A. 8438/2025

3. This application is preferred on behalf of Respondent No. 4 under Section 75 read with Order XXVI Rules 2, 3 and 4-A and Section 151 CPC for appointment of a Local Commissioner to record the evidence between the parties.

4. Issue notice.

5. Ms. Somyashree, learned counsel accepts notice on behalf of the Petitioners and on instructions, submits that Petitioners have no objection to the application being allowed if the Applicant is willing to bear the cost of the fee of the Local Commissioner. Learned counsels jointly submit that total 6 to 7 witnesses are likely to be examined by the parties.



6. Accordingly, with the consent of the parties, Ms. Raji Gururaj, Advocate (Mobile No. 9704847263) is appointed as Local Commissioner to record the evidence of the parties, which shall be recorded within the premises of this Court.

7. Fee of the Local Commissioner is fixed at Rs. 2.5 lacs to be borne by Respondent No. 4. Learned Local Commissioner will make every endeavour to conclude the process of recording the evidence as early as possible since the very purpose of filing this application is to expedite the trial.

8. Parties will approach the Local Commissioner for fixing the dates for recording of evidence.

9. Application stands disposed of.

TEST.CAS. 59/2011 & I.As. 46148/2024, 46188/2022

10. List before Court on 06.10.2025.

JYOTI SINGH, J

MAY 9, 2025
S.Sharma/Shivam