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

+ CS(COMM) 900/2018

MAHESH CHAUDHRI & ANR. .... Plaintiffs

Through: Mr. Deepak Khadaria, Adv.

versus

IMV INDIA PVT. LTD. .... Defendant

Through: Mr. Kishan Rawat and Mr. Rajan Narain, Advocates

+ CS(COMM) 470/2019

IMV INDIA PVT LTD ..... Plaintiff

Through: Mr. Kishan Rawat and Mr. Rajan Narain, Advocates

versus

MR. MAHESH CHAUDHRY & ANR ..... Defendants

Through: Mr. Deepak Khadaria, Adv.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

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**10.04.2024**

1. The suits have been placed before this Court on the office note wherein it is submitted that the learned Local Commissioner who had been appointed in this case *vide* Order dated 30.01.2020 has expressed his inability to continue with the recording of evidence on account of his ill health.

2. Learned counsels appearing on behalf of the parties make a request that another Local Commissioner may be appointed. It is submitted that it



may take six to seven dates to conclude the entire evidence of the parties.

3. Accordingly, Mr. Gurdeep Singh (Retd. District Judge), Mobile No. 9910384746, is appointed as the Local Commissioner for recording the evidence in the present case.

4. In view of the above, the following directions are being passed:

i. The fee of the Local Commissioner is fixed at ₹1,00,000/- for recording the evidenced in 4 months.

ii. The Local Commissioner shall make an endeavour to record the evidence approximately three hours per day.

iii. The costs for recording of evidence shall be borne by the parties equally.

iv. 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 on account of which party/parties, the matter has been adjourned.

v. The evidence will be recorded by the Local Commissioner within the High Court precinct.

vi. 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 ₹3,000/- 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 plaintiff.

vii. The Local Commissioner is requested to complete the recording of evidence of the parties within 4 months from today.

viii. The parties shall provide full assistance to the Local Commissioner for recording of evidence.

ix. In case evidence is not finished in 4 months, Rs.15,000/- be paid per sitting which shall not be less than 3 hours.



5. Learned counsel appearing on behalf of the plaintiff submits that there may be one or two additional documents which he may be required to file.
6. Learned counsel for the plaintiff submits that there may be one or two additional documents which may be required for the witness to be confronted for which the reliance is placed from *Subash Chander v. Bhagwan Yadav 2009 SCC OnLine Del 3818*.
7. However, the law itself permits the parties to put any relevant documents to the witness in cross examination.
8. Counsel for the Defendants has no objection if any additional documents are put to the witnesses in cross-examination. Therefore, the plaintiff is at liberty to complete the cross examination and confront the witness with the documents, as submitted.
9. List before the learned Local Commissioner on 23.04.2024 at 4:00 PM.

**NEENA BANSAL KRISHNA, J**

**APRIL 10, 2024/PT**