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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 2734/2011 & IA No.17521/2011 (u/O XXXIX Rules 1&2 CPC).

MANOJ KUMAR Plaintiff

Through: Mr. Samir Sagar Vashishta and Mr.
Abhishek Pratap Singh, Advs.

versus

OM PRAKASH Defendant

Through: Ms. Heena Verma, Mr. Ashish
Sharma, Mr. Deepak Kr. Sharma and
Ms. Gauri Kaushik, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **23.04.2018**

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IA No.5445/2018 (of the plaintiff under Section 151 CPC).

1. The counsel for the defendant appears on advance notice.
2. It is stated that the Court Commissioner appointed for recording evidence, owing to ill health, has expressed inability to record further evidence. Change of Court Commissioner is sought.
3. Mr. M.R. Chawla, Adv. (Mob. No.9868152997) is requested to record remaining evidence in the suit.
4. It is stated that the plaintiff's evidence is already completed and only the defendant's evidence is to be recorded.
5. The counsel for the defendant is clueless as to the number of witnesses to be examined.
6. The fee of the Court Commissioner, besides out of pocket expenses, is fixed at Rs.15,000/- per hearing payable by the defendant.

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7. The Court Commissioner is requested to record the evidence within the Court Complex.
8. The Registry is directed to send the file of the suit at the place and time fixed by the Court Commissioner for recording of evidence.
9. The application is disposed of.

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10. The defendant to file affidavit by way of examination-in-chief of his witnesses within four weeks.
11. The parties to, with prior appointment, contact the Court Commissioner within the said four weeks for scheduling the date/s for recording of evidence of the witnesses of the defendant.
12. List before the Court after recording of evidence is completed.

RAJIV SAHAI ENDLAW, J

APRIL 23, 2018
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