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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 3067/2011, CC 87/2012**
M/S KUSHAL INFRAPROJECT INDUSTRIES(INDUSTRIES)
LTD

..... Plaintiff

Through: Mr. Pratham Sharma and Ms.
Prabhleen Kaur, Advocates.

versus

M/S HEERA JEWELLERS UNIT OF SHRISHTI GEMS AND
JEWELS PVT LTD) & ORS

..... Defendants

Through: Mr. Arun Batta, Mr. Vipin Gogia and
Ms. Jaspreet Gogia Advocates.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **28.05.2024**

I.A. 9291/2024 (under Order 26 Rule 4A read with Section 151 CPC on
behalf of the plaintiff for Appointment of Local Commissioner)

1. An application has been filed on behalf of the plaintiff for recording of evidence of the plaintiff through Local Commissioner.
2. It is submitted in the application that in a similar case the Local Commissioner has been appointed. In the present suit/counter-claim as well the Local Commissioner be appointed on the same terms.
3. Learned counsel for the defendant has no objection if the application is allowed.
4. Considering the reasons stated in the present application as well as no



objection on behalf of the non-applicants/defendants, the present application is allowed and Mr. Amarnath, District & Sessions Judge (Retd.) (Mobile No.9958697030) is hereby appointed as the Local Commissioner for recording of entire evidence of the parties on the following terms: -

- (i) The fees of the Local Commissioner is fixed at Rs. 15,000/- per date for effective hearing and Rs.3,500/- for ineffective date.
- (ii) The entire costs for recording of evidence shall be borne by the applicant/plaintiff.
- (iii) In case, any adjournment is taken by either party, the said party shall bear the costs of the said 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 precinct of the High Court.
- (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. 2,500/- is fixed towards the fees to be paid to the Court staff for carrying the Court file and the same will be borne by the applicant/plaintiff.
- (vi) An endeavour shall also be made by the learned Local Commissioner for concluding the evidence within six months.
- (vii) The Learned Local Commissioner shall ask the parties to fix a schedule of dates giving the names of the witnesses who would be recorded on a particular date and shall ensure that sufficient steps are taken by the parties before hand to ensure that no date is wasted and the witness scheduled for a particular date is



record on that date.

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

5. A copy of this Order be communicated by the Registry to the learned Local Commissioner.

6. The parties may also forward a copy of the Order to the learned Local Commissioner.

7. The parties are directed to appear before learned Local Commissioner on 03.06.2024 for fixing the schedule of dates at 03:30 P.M.

8. Accordingly, the application is disposed of.

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9. List before learned Joint Registrar on 22.07.2024, the date already fixed.

NEENA BANSAL KRISHNA, J

MAY 28, 2024/va