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

(17) + CS(OS) 2572/2013, I.A. 20716/2013, I.A. 5290/2014

KULWANT SINGH Plaintiff

Through: Mr. Nikhil Mehra, Mr. Ramnesh
Kumar Sahu and Mr. Kulwant
Singh, Advs.

versus

HARVINDER SINGH Defendant

Through: Mr. Inder Bir Singh, Adv.

(18) + CS(OS) 3827/2014, CC 36/2016, I.A. 15422/2019

HARVINDER SINGH Plaintiff

Through: Mr. Inder Bir Singh, Adv.

versus

KULWANT SINGH Defendant

Through: Mr. Nikhil Mehra, Mr. Ramnesh
Kumar Sahu and Mr. Kulwant
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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05.12.2022

I.A. 15422/2019 in CS(OS) 3827/2014

1. The learned counsels for the parties submit that the learned Local Commissioner, appointed by this Court vide order dated 13.12.2019 for recording of evidence of the parties, has expressed his inability to continue with the Commission.

2. The learned counsel for the plaintiff in CS(OS) 3827/2014 prays that a substitute Local Commissioner be appointed by this Court for the



purpose of recording evidence of the parties.

3. With the consent of the learned counsel for the defendant-Harvinder Singh, I appoint Mr. S.N. Gupta, Advocate (Mobile: 9810077343) as the Local Commissioner for recording of evidence of the parties.

4. The fee of the learned Local Commissioner is fixed at Rs.1,00,000/-, in addition to the out-of-pocket expenses, to be borne by the plaintiff in CS(OS) 3827/2014 in the first instance. The above fee would be for the first seven sittings of the learned Local Commissioner. In case the recording of evidence of the parties exceeds the seven sittings, the learned Local Commissioner will be entitled to a further fee of Rs.15,000/- for each additional date of hearing.

5. The learned counsel for the plaintiff in CS(OS) 3827/2014 submits that the witness of the plaintiff, who is currently under cross-examination, is travelling from Australia. Accordingly, the first two dates of hearing before the learned Local Commissioner are fixed as 13th and 14th December, 2022 at 2:30 p.m. The venue for the recording of evidence shall be booked by the plaintiff in CS(OS) 3827/2014.

6. As these suits are of the years 2013 and 2014, the learned Local Commissioner is requested to expedite the recording of evidence, and complete the same preferably within a period of six months from the first date of hearing.

7. The application stands disposed of in the above terms.

NAVIN CHAWLA, J

DECEMBER 05, 2022/s