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

+ **CS(OS) 521/2016**

SHRI KAILASH GUPTA & ANR

.....Plaintiff

Through: Mr. R.K Sanghi, Sr Advocate with
Mr. Ambuj Ojha, Advocate

versus

SHRI VIRENDER PRATAP SINGH CHARAK & ORS

.....Defendant

Through: Mr. Rajeev Singh Chauhan and
Ms.Shubhra Parashar Advocates for
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CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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14.02.2025

I.A. 3894/2025

1. This application under Section 151 CPC has been filed by the Plaintiff seeking directions to the Local Commissioner for recording evidence of the Defendants at the cost of the Plaintiff.
2. Material on record indicates that on 10.03.2022 this Court had appointed Mr. O.P. Gupta (Retd.) District and Sessions Judge as the Local Commissioner for the purpose of recording the evidence of the Plaintiffs. It is stated that vide Order dated 20.12.2023, this Court had appointed Mr. Harish Dudani (Retd.) District Judge as the Local Commissioner.
3. Material on record further indicates that *vide* Order dated 22.08.2024

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passed by this Court, the Local Commissioner was changed and Mr. Pradeep Diwan, Senior Advocate was appointed as Local Commissioner on the same terms and conditions as stipulated by this Court in Order dated 20.12.2023.

4. It is stated that the evidence of the Plaintiff is almost concluded and the evidence of the Defendant has yet to be recorded.

5. The present application has been opposed by the learned Counsel for the Defendant by stating that no useful purpose would be served in directing the Local Commissioner to record the evidence of the Defendant also. He also states that there is no special circumstance also.

6. In view of the fact that the Joint Registrars are already overburdened and therefore the Local Commissioners are being appointed by this Court to record the evidence to speed up the process.

7. The learned Counsel for the Plaintiff states that the Plaintiff is ready to bear the expenses of recording of evidence of the Defendant as well. It is stated that the evidence of the Plaintiff is almost complete and the evidence of the Defendant is yet to commence. This Court is of the view that no prejudice would be caused to the Defendant if the Local Commissioner is directed to record the evidence of the Defendant as well on the same terms and conditions as stipulated in Order dated 20.12.2023.

8. It is made clear that the Plaintiffs shall bear the entire expenses of the Local Commissioner.

9. The application is disposed of.

SUBRAMONIUM PRASAD, J

FEBRUARY 14, 2025

RJ