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

(15) CS(OS) 412/2016

MRS SHIVANI KHULLAR & ANRPlaintiffs

Through: Ms.Gurmeet Bindra, Adv.

versus

MR SAMIR BAJPAI & ORSDefendants

Through: Mr.Shantwanu Singh, Adv.
(through VC)

Ms.Mansi Jain, Adv. for
Ms.Beenashaw Soni, ASC for
DDA.

(16)+ TEST.CAS. 54/2018

RAKESH MISHRAPetitioner

Through: None.

versus

STATE NCT OF DELHI & ORS.Respondents

Through: Ms.Gurmeet Bindra, Adv. for
R-2 & R-3

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **13.08.2024**

I.A. 5727/2024 in CS(OS) 412/2016

1. The learned counsel for the plaintiffs, without prejudice to the rights and contentions of the plaintiffs, does not press this application.
2. The application is, accordingly, dismissed as withdrawn.

I.A. 10588/2024 in CS(OS) 412/2016

3. This application has been filed by the plaintiffs praying for the appointment of a Local Commissioner to record the evidence of the



two plaintiffs. It is stated that the plaintiffs are residing in USA and Canada respectively.

4. The learned counsel for the plaintiffs submits that as they would have to travel to India for recording their evidence, therefore, a Local Commissioner be appointed so that the recording of the evidence is expedited and it is recorded on a day-to-day basis so that it is concluded expeditiously.

5. The learned counsel for the defendants, who appears on notice, fairly does not oppose the present application. He submits that the cost of the Local Commissioner should be borne by the plaintiffs. The learned counsel for the plaintiffs agrees to the same.

6. Accordingly, I appoint Mr. Shikhar Singh, Advocate (Mobile: 9899480676) as the Local Commissioner to record the evidence of the two plaintiffs.

7. The learned counsel for the plaintiffs in CS(OS) 412/2016 submits that the evidence by way of affidavit of the plaintiffs shall be filed positively within a period of two weeks.

8. The learned counsels for the parties shall, thereafter, contact the learned Local Commissioner appointed by this Order for fixing the dates for recording the statements of the plaintiffs.

9. The recording of the evidence shall be conducted, as far as possible, on a day-to-day basis and shall be concluded expeditiously.

10. The fee of the learned Local Commissioner shall be Rs.25,000/- per sitting, to be paid by the plaintiffs.

11. In case the file of the present Suit is to be produced before the learned Local Commissioner, the officer of the Registry carrying the



file, shall be paid by the plaintiffs an honorarium of Rs. 2,500/- per visit.

12. The out-of-pocket expenses of the learned Local Commissioner shall also be reimbursed by the plaintiffs.

13. The application is disposed of in the above terms.

CS(OS) 412/2016 & I.A. 5855/2021
TEST.CAS. 54/2018

14. List before the learned Joint Registrar (Judicial) on 11th November, 2024.

NAVIN CHAWLA, J

AUGUST 13, 2024/ns/VS

[Click here to check corrigendum, if any](#)