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

+ **CS(COMM) 538/2017**

SUNIL KUMAR

.....Plaintiff

Through: Mr. Manish Paliwal and Ms. Megha
Yadav, Advocates.

versus

LARSEN AND TOUBRO LTD.

.....Defendant

Through: Ms. Pallavi and Mr. Sumeet Singh,
Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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04.08.2025

I.A. 18633/2025 (u/O XXVI Rule 1 of CPC)

1. This application is filed on behalf of the Plaintiff under Order XXVI Rule 1 CPC for appointment of a Local Commissioner to record the evidence.
2. It is stated in the application that issues were framed on 14.12.2023 and since then matter has been pending for recording of evidence. Appointment of Local Commissioner will expedite the trial and save valuable time of the Joint Registrar. Plaintiff undertakes to bear the fee of the Local Commissioner.
3. Issue notice.
4. Ms. Pallavi, learned counsel accepts notice on behalf of the Defendant and on instructions, submits that Defendant has no objection to the



appointment of Local Commissioner for recording of evidence if the Plaintiff is willing to bear the cost.

5. This suit is listed before the learned Joint Registrar on 12.09.2025 for arguments on application filed by the Plaintiff for amendment of list of witnesses. After the application is disposed of and evidence is filed by the parties by way of affidavits and the stage becomes ripe for recording of evidence, the same shall be recorded by a Local Commissioner, as agreed between the parties.

6. Accordingly, this application is allowed, appointing Shri Vinay Kumar Khanna, former Principal District & Sessions Judge, New Delhi (Mobile No. 9910384719) as the Local Commissioner for recording of evidence. Evidence shall be recorded within the premises of this Court. At this stage, looking at the number of witnesses to be examined by both sides, fee of the Local Commissioner is fixed at Rs.3 lakhs to be paid by the Plaintiff.

7. It will be open to the parties to contact the Local Commissioner for fixing the dates for recording of evidence.

8. Application is disposed of.

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9. List before the learned Joint Registrar on 12.09.2025, the date already fixed.

JYOTI SINGH, J

AUGUST 4, 2025

S.Sharma