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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ FAO (OS) Nos.260-261/2011 & 535/2011

SHEELA GEHLOT

..... Appellant

Through: Mr. Rakesh Diwedi, Sr. Advocate with
Mr. P.K. Agarwal, Ms. Mercy Hussain &
Ms. S. Pathak, Advocates.

versus

JK KASHYAP & ORS

..... Respondents

Through: Mr. Sumehar Bajaj, Advocate for R-1.
Mr. Ali Naqvi, Mr. Abhishek Singh &
Ms. Ishani C., Advocates for R-2 & 3.

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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16.11.2011

After hearing learned counsels for the parties at length, learned counsels for the parties agree that the appeals be disposed of with the following agreed order:

- i. The appellants do not press the appeals, which are dismissed as withdrawn.
- ii. The respondents agree that trials in all the three suits can take place simultaneously.
- iii. Learned counsels for the parties request that in order to expedite trial, a retired Judicial Officer be appointed as the Local Commissioner to complete the trial within a time bound schedule,

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as the boards of the Joint Registrars recording evidence is already over-burdened. This request is specifically made as all the suits are at the trial stage and the date has been fixed of 14.2.2012 for recording of evidence.

- iv. It is agreed that Mr. S.M. Chopra, Additional District & Sessions Judge (Retd.), Flat No.181, Desh Bandhu Apartments, Kalkaji, New Delhi-110019 (Mobile No.9213230349), be appointed as the Local Commissioner to record evidence. The fee of the Local Commissioner for recording evidence in all the three suits is fixed at ₹90,000.00 apart from out of pocket expenses, which will be shared in equal proportion by the three sets of parties, i.e., (i) Smt. Sheela Gehlot; (ii) Mr. J.K. Kashyap; and (iii) Mr. Rajiv Gupta & Ms. Chitra Mehta.
- v. In order to expedite the trial, it is agreed that the affidavits of examination-in-chief will be filed by the plaintiff in the suits on or before 20.12.2011.
- vi. The first sitting before the Local Commissioner will take place on 10.1.2012 at 2:00 p.m.
- vii. The parties will make arrangement for holding the sitting in the High Court premises and the records of the Court will be made available to the Local Commissioner.

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The Local Commissioner will endeavour to complete the recording of evidence within a maximum period of three (3) months from the first date of sitting.

The suits will be placed before the learned single Judge after the trial is complete for fixing a date of hearing.

The appeals are accordingly disposed of.


SANJAY KISHAN KAUL, J.


RAJIV SHAKDHER, J.

NOVEMBER 16, 2011
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