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

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FAO(OS) 603/2011

NIRANJAN LAL GUPTA

..... Appellant

Through: Mr. Aman Lekhi & Mr. Raman Kapur,
Sr. Advs. with Mr. N. Prabhakar, Adv.
along with Appellant in person.

versus

GURMEET SINGH BAWEJA & ORS

..... Respondents

Through: Mr. Ajay Burman, Adv. for R-1.
Respondent No.2 in person.
Mr. Kirtiman Singh, Adv. for R-3.
Mr. Maninder Singh, Sr. Advocate with
Mr. Pawanjit S. Bindra, Advocate
for Respondents 4 & 5.
Respondent No.6 is proforma respondent.

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FAO(OS) 604/2011

HARISH SABHARWAL

..... Appellant

Through: Mr. Aman Lekhi & Mr. Raman Kapur,
Sr. Advs. with Mr. N. Prabhakar, Adv.
along with Appellant in person.

versus

GURMEET SINGH BAWEJA & ORS

..... Respondents

Through: Mr. Ajay Burman, Adv. for R-1.
Respondent No.2 in person.
Mr. Kirtiman Singh, Adv. for R-3.
Mr. Maninder Singh, Sr. Advocate with
Mr. Pawanjit S. Bindra, Advocate
for Respondents 4 & 5.
Respondent No.6 is proforma respondent.

CORAM:

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE RAJIV SHAKDHER

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ORDER
19.12.2011

Caveat No.1144/2011 in FAO (OS) No.603/2011
Caveat No.1145/2011 in FAO (OS) No.604/2011

Learned counsel for the respondents have entered appearance and, thus, the caveats stand discharged.

CM Nos.22821-22822/2011 (Exemption) in FAO (OS) No.603/2011
CM Nos.22823-22824/2011 (Exemption) in FAO (OS) No.604/2011

Allowed subject to just exceptions.

FAO (OS) No.603/2011 & FAO (OS) No.604/2011

After hearing learned counsels for the parties, it is agreed that the appeals be disposed of in the following terms:

- i. The appeals are not pressed by learned counsel for the appellants, on instructions, in view of agreed terms. Needless to say that any observations made in the impugned order whether qua the appellants or the respondents are only *prima facie* in nature and would not prejudice the trial in any manner.
- ii. The original documents be filed by the appellants on or before 24.12.2011.
- iii. The written statements along with all the documents will be filed on or before 6.1.2012.
- iv. Replication, if required, will be filed within a week thereafter.
- v. The parties will file their affidavits of admission/denial of each other's documents within a week thereafter.
- vi. It is agreed that the exhibiting of documents and recording of evidence can take place before a retired Judicial Officer, who may be appointed as the Local Commissioner in order to expedite trial in the matter keeping in mind the nature of suit being really an election petition.

- vii. 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 and the first date fixed before the Local Commissioner is 20.1.2012 at 4:00 p.m. for exhibiting of documents.
- viii. The matter will be listed before the Court for framing of issues on 1.2.2012.
- ix. The affidavits of evidence of the appellants will be filed within two (2) weeks of the issues being framed. On completion of cross-examination of the appellants' witnesses, the respondents will file their affidavits of examination-in-chief within two (2) weeks thereafter.
- x. The subsequent dates will be given by the Local Commissioner, who will endeavour to complete recording of evidence within a maximum period of two (2) months from the first date.
- xi. The suit will be listed for necessary directions before the Court on 28.3.2012 for fixing the date for final hearing in the suit.
- xii. Learned counsels for the parties will make arrangement for recording of evidence in the High Court premises.
- xiii. The fee of the Local Commissioner is tentatively fixed at ₹50,000.00 apart from out-of-pocket expenses to be shared equally by the two set of parties.

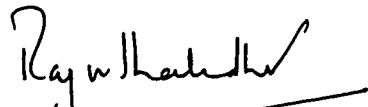
The appeals are accordingly disposed of in the aforesaid terms leaving the parties to bear their own costs.

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A copy of the order without process fee be sent expeditiously to the Local Commissioner.

Daṣṭi to leārned counsels for the parties.


SANJAY KISHAN KAUL, J.


RAJIV SHAKDHER, J.

DECEMBER 19, 2011
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