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

+ CM(M) 350/2016

SACHIN TANEJA & ORS Petitioners
Through Mr. Prosenjeet Banerjee and
Ms.Surya Singhal, Advocates.

versus

YATINDERJIT SINGH Respondent
Through Mr. R.K. Rungta, Sr. Advocate with
Mr.Prashant Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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10.11.2016

CM No. 40983/2016

1. By the present application, the petitioner seeks clarification of order dated 01.09.2016 to direct that the recording of the remaining defendant's evidence before the Local Commissioner be conducted in additional two sessions for about two hours each whereby the remaining defendant's evidence is completed including the recording of evidence of the summoned witness.
2. Learned counsel appearing for the petitioner submits that two additional sessions would be necessary as it would not be possible to complete the evidence within the time frame as stipulated by the court in its order dated 26.05.2015.

3. Learned senior counsel appearing for the respondent has no objection. He however, submits that additional two sessions would mean some enhancement of the fees of the Local Commissioner already appointed to record evidence. He submits his client has paid Rs. 1,05,000/- to the Local Commissioner whereas the petitioner has paid only Rs. 55,000/-. He submits that the enhanced fees be paid by the petitioner.
4. Keeping in view this submission of the learned senior counsel for respondent, which I feel is in order, it is directed that the time for recording of evidence by the Local Commissioner be extended by two additional sessions of two hours each. The Local Commissioner shall be paid an additional fee of Rs. 30,000/- which shall be paid by the petitioner but shall form part of the cost of the suit depending on the outcome of the suit.
5. The application stands disposed of.
6. Copy of the order be given dasti under the signatures of the Court Master.

JAYANT NATH, J

NOVEMBER 10, 2016
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