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

+ **MAT.APP.(F.C.) 65/2017 & CM No.14035/2017**

NIDHI TREHAN Appellant
Through: Ms. Babita Seth, Advocate.

versus

ASHISH KHOSLA Respondent
Through: Mr.Prashant Ghai, Advocate.

CORAM:
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

04.05.2017

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1. A limited notice was issued in the present appeal on 17.04.2017, pursuant to which summons were issued to the respondent.

2. Learned counsel for the respondent enters appearance and vehemently opposes the present appeal on the ground that the Local Commissioner, who is a retired Additional District Judge, had afforded an opportunity to the appellant to cross-examine PW-1 but she had declined to do so. To support the said submissions, she draws the attention of the Court to the order dated 28.02.2017, passed by the Local Commissioner (Pages 40-41 of the paperbook).

3. After addressing arguments for some time, learned counsel for the appellant states that she would be satisfied, if the cross-examination of PW-1 is permitted to be recorded in a question-answer form. She also requests that any question that is disallowed by the Local Commissioner,

MAT.APP.(F.C.) 65/2017.

Page 1 of 2

may be recorded by him with a note stating that the same has been disallowed. She further assures us that the cross-examination of PW-1 shall be concluded within a maximum period of five hours. It is agreed by learned counsel that her client will pay the fee of Rs.25,000/- to the Local Commissioner for conducting the cross- examination of PW-1.

4. Parties shall appear before the Family Court on 12.05.2017, the date already fixed, on which day, a date shall be fixed for them to appear before the Local Commissioner for recording the cross-examination of PW-1. The fee of Rs.25,000/- payable by the appellant to the Local Commissioner shall be tendered on the date fixed before him. The Local Commissioner shall conclude recording the cross-examination of PW-1 within five hours, if not over one day, then spread over two days.

5. The present appeal is disposed of along with the pending application, in the light of aforesaid consent order.

HIMA KOHLI, J

SANGITA DHINGRA SEHGAL, J

MAY 04, 2017

ssc