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

+ CM(M) 645/2017

DEEPAK KHOSLA

..... Petitioner

Through: Mr. Prosenjeet Banerjee and Ms.
Princy Ponnann, Advs. with petitioner
in person.

versus

KARISHMA KHOSLA

..... Respondent

Through: Mr. D. Hasija, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **27.07.2017**

1. The petitioner has filed the petition under Section 12 (c) of the Hindu Marriage Act, 1955 for annulment of the marriage which is pending before the Family Court at the stage of recording of the evidence.
2. The petitioner is seeking expeditious hearing and disposal of the petition and recording of the evidence by a Local Commissioner under order XXVI of the Code of Civil Procedure, 1908.
3. Learned counsel for the petitioner submits that the Family Court vide order dated 09th January, 2017, appointed a Local Commissioner to record the evidence. However, the respondent sought re-call of the order on the ground that the respondent was not willing to bear the expenses of Local Commissioner. Vide order dated 03rd February, 2017, learned Family Court re-called the order dated 09th January, 2017.
4. Learned counsel for the respondent submits that respondent has no objection to expeditious disposal of the petition but the respondent is not comfortable with the recording of the evidence before the Local Commissioner.

5. Considering that the Family Court has heavy roster, the petitioner's prayer for recording of evidence by the Local Commissioner is justified. This Court is not satisfied with the objection of the respondent.
6. The petition is allowed and the Family Court is directed to expedite the hearing and disposal of the petition. The Family Court shall appoint a Local Commissioner preferably a Retd. Judicial Officer to record the evidence. The fees of the Local Commissioner shall be borne by the petitioner.
7. The Family Court shall endeavour to decide the petition within six months of the completion of the evidence.
8. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

JULY 27, 2017
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