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

+ CM(M) 595/2018, CAV 471/2018 & CM No.20905-20906/2018

D Petitioner
Through: Ms. Reena Jain Malthora, Adv.

versus

D Respondent
Through: Mr. Pranav Vashishtha and Mr.
Pranav Malhotra, Adv.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

% **ORDER**
18.05.2018

CAV 471/2018

Learned counsel for caveator is present and has received the paper book. The caveat is discharged.

CM No.20905/2018

Allowed, subject to just exceptions.

CM(M) 595/2018

1. The petitioner has challenged the order dated 06th April, 2018 whereby the learned Family Court has appointed Ms. Ravinder Kaur, Retd. District & Session Judge as Local Commissioner to record the evidence.
2. Learned counsel for the petitioner submits that this case is of a sensitive nature and evidence should not be recorded by a Local Commissioner. Learned counsel for the petitioner insists that the Family Court itself should record the evidence.
3. This Court is of the view that there is no infirmity in the appointment of Local Commissioner by the learned Family Court to record the evidence. This Court is not satisfied with the objections of the petitioner

to the recording of the evidence by the Local Commissioner, more particularly when the respondent is bearing the fees to be paid to the Local Commissioner and no burden is coming on the petitioner. In fact, the petitioner would not gain anything by the recording of the evidence by the Family Court except that the petitioner cannot delay the recording of evidence as the Family Court has directed the learned Local Commissioner to record the evidence within two months.

4. There is no merit in this petition which is hereby dismissed. The pending application is also dismissed.

5. Copy of this order be given *dasti* to counsels for the parties under signature of Court Master.

J.R. MIDHA, J.

MAY 18, 2018
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