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

+ C.R.P. 250/2018

NISHANT AGRAWAL

..... Petitioner

Through: Mr. Rahul Kumar & Mr. R. Aditya, Advs.

versus

KISHORE KUMAR AGRAWAL

..... Respondent

Through: Mr. Abinash Kumar Mishra & Mr. R.S.
Rathi, Advocates with respondent in person.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

% **27.11.2018**

C.M. No.49024/2018 (for exemption)

Allowed, subject to all just exceptions.

The application is disposed of.

C.R.P. No.250/2018 & C.M. No.49025/2018 (for stay)

1. The impugned order dated 15.11.2018 passed by the court of learned Additional District Judge-01, North District, Delhi ('ADJ') in Civil Suit No.745/2017 is the subject-matter of challenge in this civil revision petition filed by the petitioner/plaintiff.
2. On an advance copy, Mr. A.K. Mishra, Advocate appears on behalf of the respondent and accepts notice.
3. By the impugned order, the Local Commissioner (LC) was appointed to record the evidence of both the parties. The learned counsel for the petitioner contends that fee of LC for recording

evidence @ Rs.2,500/- per hour is beyond reach of the petitioner, who is unemployed. At this stage, learned counsel for the respondent/defendant, on instructions, undertakes that the respondent is ready to bear the expenses and fee of the Local Commissioner to record the evidence of the witnesses of both the parties. The respondent shall remain bound by his statement.

4. Both counsel submit that nothing survives in the petition. The petition along with C.M. No.49025/2018 is disposed of accordingly.

5. On the request of the learned counsel for the petitioner, learned counsel for the respondent has agreed to furnish the latest address of the respondent/defendant. The same be placed on record of the trial court on the next date of hearing.

VINOD GOEL, J.

NOVEMBER 27, 2018
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