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

+ **MAT.APP.(F.C.) 32/2018 & C.M. No. 5158/2018 (stay)**

MOHITA BHARGAVA Appellant

Through: Mr. M.P. Bhargava, Advocate
with appellant in person.

versus

SUKESH BHARGAVA Respondent

Through: Mr. V. Madhukar, Mr. Sachin Sharma
and Mr. Neeraj Kumar, Advocates with respondent
in person.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **03.03.2020**

1. The appellant/wife is aggrieved by an order dated 24.1.2018, passed by the learned Family Court whereunder, a Local Commissioner was appointed to record the evidence of the parties with a further order fixing the fee of the Local Commissioner at Rs.2,000/- for a hearing for two hours or Rs.3,000/- for a three hours session, whichever is less, besides the miscellaneous expenses. The grievance of the appellant/petitioner is that both the parties have been directed to equally bear the fee and other expenses of the Local Commissioner for recording the evidence.

2. Learned counsel for the appellant states that appellant/wife is not in a financial position to share the Local Commissioner's fee and the said

submission was made before the Family Court, but it was rejected. He states that in any event, there was no need for appointment of a Local Commissioner and the Family Court could have recorded the evidence itself.

3. We may note that for almost the past one year, efforts have been made by the predecessor Bench as also this Bench to facilitate a comprehensive settlement between the parties particularly, since an eight years old child is involved, who is in the care and custody of the appellant/mother since December, 2013. Efforts in this direction were made even today, but the gap between the offer made for a settlement by the respondent, vis-a-vis the counter offer made on behalf of the appellant is so wide that as of now, it does not appear to be surmountable.

4. Learned counsel for the respondent states that if it is the stand of the appellant that she is unable to afford the expenses towards the Local Commissioner's fee etc., then the respondent is willing to bear the same.

5. In view of the aforesaid submission, with the consent of the parties, the present appeal is disposed of along with the pending application with a direction that the respondent shall bear the entire expenses incurred towards the Local Commissioner's fee and other overheads for recording of evidence in the case pending before the learned Family Court.

6. The parties shall appear before the Family Court on the date fixed for further proceedings.

HIMA KOHLI, J

ASHA MENON, J

MARCH 03, 2020/ap
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