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

% Judgment delivered on: 19.01.2023

+ **MAT.APP.(F.C.) 203/2022**

SAKSHI GUPTA

..... Appellant

versus

ANKUR GUPTA

..... Respondent

Advocates who appeared in this case:

For the Appellant: Mr. Simarpal Singh Sawhney, Advocate.

For the Respondent: Mr. Ashok Tabaria and Mr. Kamal Yadav,
Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Appellant impugns order dated 05.12.2022 whereby the application of the appellant seeking appointment of Local Commissioner for recording evidence has been dismissed.
2. Learned counsel for the appellant submits that the appellant shall bear the entire costs of the recording of evidence by the Local Commissioner.
3. He submits that though the appellant does not have any money to pay the fee of Local Commissioner, however, for expeditious disposal of the case, her father is willing to support her. She shall accordingly borrow money from her father to pay to the fee of the Local Commissioner.
4. Learned counsel for the respondent submits that without prejudice to his rights and contentions, he has no objection to a Local Commissioner being appointed for recording of the evidence. He prays that in view of the nature of the dispute, a former Judge of the District Court be appointed as Local Commissioner to record the entire evidence.

5. With the consent of the parties, Mr. O.P.Gupta, District and Sessions Judge (Retd.), phone No.9910384645 is appointed as the Local Commissioner to record the entire evidence. The LC will be paid lump-sum amount of Rs.50,000/- and Rs.10,000/- for recording statement of each witnesses. The fee of the Local Commissioner shall be paid by the appellant.

6. The original record shall be made available by the Family Court for recording of evidence who shall also depute an officer of the Family Court to carry the record for the purposes of recording evidence and also fix up the date and time for recording the evidence. The dealing officer who shall be taking the record shall ensure the safety of the case file and shall be paid a fee of Rs.500/- per hearing towards diet money, etc. A stenographer shall be arranged by the appellant or otherwise Stenographer will be paid Rs.1500/- each day for recording the evidence.

7. The appeal is disposed of in the above terms.

8. Since the next date before the Family Court is 06.02.2023, the Family Court shall fix the date and schedule for recording of evidence by the Local Commissioner on the next date before the Family Court i.e. 06.02.2023.

9. Order *dasti* under signatures of the Court Master.

SANJEEV SACHDEVA, J

VIKAS MAHAJAN, J

JANUARY 19, 2023/‘rs’