



2024 : DHC : 731-DE



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

+ **FAO(OS) 11/2024 & C.M.No.4539/2024**

MANISH RACHHOY A

..... Appellant

Through: Ms.Smita Maan with Mr.Vishal Maan and
Mr.Kartik Dabas, Advocates.

versus

KAMAL KANT RACHHOYA

..... Respondent

Through: Mr.Swastik Singh and Mr.Atul Singh,
Advocates.

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Date of Decision: 31st January, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

1. Present appeal has been filed challenging the impugned order dated 19th January, 2024 passed by the learned Single Judge in I.A. No. 18612/2023 in CS(OS) No. 568/2021 to the extent that the fees of the Local Commissioner for recording evidence of parties fixed at Rs. 7.5 lakhs is exorbitant and unreasonable.
2. At the outset, learned counsel for the Respondent states that considering the fact that the appellant is a resident of UK and another private witness is in USA and based upon the appellant's assertion regarding his readiness and willingness to bear the complete cost of recording of the entire evidence, the appellant's application under Order XXVI Rule 2 CPC for appointment of the

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FAO(OS) No.11/2024

Page 1 of 2



2024:DHC:731-DE



Local Commissioner to record evidence of the parties was allowed and the fee of Local Commissioner was fixed at Rs. 7.5 lakhs.

3. Learned counsel for the appellant states that the appellant being a mere salaried employee working at London would not be able to bear such an exorbitant fee apart from bearing other miscellaneous expenses for travel and stay. She suggests that the fees of the Local Commissioner be fixed in accordance with the prevalent norms.

4. Keeping in view the fact that the fee of the Local Commissioner for recording of evidence in similar matters is in the range of 1.5 to 2 lakh, this Court varies the impugned order to the extent that the fee of the Local Commissioner is fixed at Rs.2 lakh.

5. With the aforesaid modification, present appeal along with the application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JANUARY 31, 2024
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Page 2 of 2