



2024:DHC:5849



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 06th August, 2024***+ **CM(M) 182/2024 & CM APPL. 44613/2024****LAXMI EYE CARE LLP & ORS.Petitioners****Through: Mr. Shyam Babu with Mr. Rahul Matharu, Advocates.
(through video conferencing)****versus****OPTI PLAZARespondent****Through: Ms. Surbhi Tandon, Advocate.****CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioners are defending a commercial suit.
2. They are aggrieved by the order dated 19.01.2024 whereby the learned Trial Court had directed them to get their evidence recorded before a Local Commissioner.
3. According to the petitioners, on account of their financial crunch, it is not possible for them to bear the fee and expenses towards such Commission and, therefore, it is prayed that the evidence may be rather directed to be recorded by the learned Court itself.
4. The next date in the present petition is 03.10.2024.
5. In interregnum, the application in question has been moved by the respondent and it is contended by respondent that in order to ensure that the matter does not get prolonged unnecessarily, they



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would have no objection if the evidence is recorded by the learned Court instead of being recorded by a Local Commissioner.

6. In view of the aforesaid and keeping in mind the overall facts, the present petition is disposed of with direction that the parties would appear before the learned Trial Court on the date fixed i.e. 07.08.2024 and the learned Trial Court would give fresh dates for the purpose of recording of evidence before itself.
7. The next date before this Court is cancelled.
8. Petition is disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 06, 2024
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