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

% *Date of decision: 12th August, 2024*

+ CM(M) 327/2023 & CM APPL. 9957/2023

SUNNY SHARMA

.....Petitioner

Through: Ms. Geeta Verma and Mr. Riyaan
Bhola, Advocates.

versus

RITIKA SHARMA AND ANR

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. Petitioner is plaintiff before the learned Trial Court and has filed a suit seeking decree of damages on account of defamation.
2. When the matter was taken up by the learned Trial Court on 06.10.2022, the parties had appeared in person and the counsel were not present. The learned Trial Court, keeping in mind the backlog of pending cases, directed that the evidence be recorded through a Local Commissioner.
3. Such order is under challenge.
4. It is contended that keeping in mind the financial handicap of the plaintiff, he is in no position to bear the expenses of the Local Commissioner which have been assessed as Rs. 6,000/- per witness. It is submitted that the plaintiff intends to examine around 7-8 witnesses and, therefore, it will be



huge expenditure on his pocket. It is, therefore, prayed that the learned Trial Court may rather record the evidence itself instead of referring them to a Local Commissioner.

5. When asked, it was also apprised by learned counsel for petitioner that nothing has happened thereafter and the case has now been fixed before the learned Trial Court on 17.08.2024.

6. When this matter was taken up on 08.04.2024, nobody appeared on behalf of respondents and default notice was sent to the respondents. No one is present despite service of such default notice.

7. Earlier, the counsel and the respondent had appeared before this Court on 11.12.2023.

8. Be that as it may, since petitioner/plaintiff is unable to bear the expenses of the Local Commissioner, it would be in the fitness of the things, if learned Trial Court records the evidence itself.

9. In view of the above, the present petition is disposed of with direction to the plaintiff to appear before the learned Trial Court on date fixed and learned Trial Court would fix up the matter before itself for the purposes of recording of evidence.

10. Petition stands disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 12, 2024/sw