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

% ***Date of decision: 26th September, 2024***

+ **CM(M) 1932/2024 & CM APPL. 10552/2024**

AZIMUDDIN

.....Petitioner

Through: Ms. Arti Sharma, Mr. Gaurav Chauhan and Mr. Sachin Bansal, Advocates

versus

GAGAN CHANDELA

.....Respondent

Through: Mr. Yashpal Jolly and Mr. Sahil Sharma, Advocates along with respondent-in-person

+ **CM(M) 1937/2024 & CM APPL. 10684/2024 & CM APPL. 10686/2024**

AZIMUDDIN

.....Petitioner

Through: Ms. Arti Sharma, Mr. Gaurav Chauhan and Mr. Sachin Bansal, Advocates

versus

GAGAN CHANDELA & ANR.

.....Respondent

Through: Mr. Yashpal Jolly and Mr. Sahil Sharma, Advocates along with respondent-in-person

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. There are two suits which are cross in nature. These are pending before the learned Trial Court and when these were taken up by the learned Trial Court on 19.10.2023, learned Trial Court appointed a Local



Commissioner for recording of evidence in order to expedite the disposal of the suits.

2. Mr. Gagan Chandela (plaintiff in suit no. Civil DJ 10381/16) had undertaken to bear the expenditure of the fee of learned Local Commissioner all by himself with respect to both the suits i.e. suit in which he was plaintiff and also for the suit in which he was defendant.

3. Such order is under challenge by the other side and according to petitioner, no reason or urgency has been had been cited for appointment of Local Commissioner and moreover, the petitioner had never given any consent for such appointment.

4. After hearing arguments for some time, learned counsel for respondent Mr. Gagan Chandela submits that he does not want to delay his own suit as well and would have no objection if, instead, the learned Trial Court records the evidence.

5. In view of the above-said statement made by learned counsel for respondent, both the petitions are hereby disposed of with the direction that the parties would appear before the learned Trial Court on the date fixed and learned Trial Court would give suitable dates for the purposes of recording of evidence in the Court itself, instead of before a Local Commissioner.

6. Since suits are of the year 2016, learned Trial Court is requested to give requisite priority to these suits.

7. Both the petitions stand disposed of accordingly in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 26, 2024/dr