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

% ***Date of Decision: 01st May, 2025***

+ **CM(M) 802/2025 & CM APPL. 26206/2025**

KASTURI DEVI

.....Petitioner

Through: Mr. Manoj Kumar Gahlaut, Ms.
Himanshi Gahlaut and Mr. Chandan
Kumar, Advocates.

versus

RAVI BUNDELA AND ORS

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner filed a civil suit seeking recovery of Rs.32,62,500/-.
2. After completion of pleadings, petitioner/plaintiff moved an application before the learned Trial Court seeking appointment of a *Local Commissioner* for the purposes of recording evidence.
3. When such application was taken up by the learned Trial Court on 04.03.2025, merely, on the basis of the oral opposition of the defendants, the application has been dismissed and the parties have been directed to lead evidence before the Court.
4. Such order is under challenge.
5. Learned counsel for petitioner/plaintiff submits that in order to expedite the recording of the evidence, he had moved the abovesaid



application and further submits that the petitioner/plaintiff is an octogenarian and, therefore, the application was moved to ensure that the suit is decided during her lifetime only.

6. He further submits that even if the defendant were not inclined to bear the expenses of the *Local Commissioner*, the plaintiff would have ensured that fee/expenses in this regard are borne by her.

7. Keeping in mind the overall facts and circumstances of the case, the present petition is disposed of with permission to plaintiff to move such application afresh before the learned Trial Court.

8. Let such application be filed within two weeks from today and the learned Trial Court, after taking appropriate response in writing from the defendants, would consider the same afresh, without being influenced by its own order dated 04.03.2025 and without being influenced by any of the observation appearing in the present order.

9. However, if the learned Trial Court chooses to dismiss the application, this Court expects that it would give reasons for the same.

10. The petition stands disposed of in aforesaid terms.

11. Pending applications, if any, stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 1, 2025/ss/pb