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

+ CM(M) 987/2026, CM APPL. 28888/2026 (stay)

MS BHAWNA GROVER

.....Petitioner

Through: Mr. Rajesh Katyal, Adv.

versus

SHRI NISHANT GROVER

.....Respondent

Through: Mr. Prerak Khurana, Adv. along with
respondent in-person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **30.04.2026**

1. This hearing has been done through hybrid mode.

CM APPL. 28889/2026 (exemption)

2. Allowed, subject to all just exceptions. This application is disposed of accordingly.

CM(M) 987/2026 & CM APPL. 28888/2026 (stay)

3. The present petition under Article 227 of the Constitution of India, 1950, seeks the following prayers: -

“a. Issue an order thereby quashing/ setting aside the impugned order dated 23.04.2026 passed by the Ld. court of Sh. Manish Gupta, Judge, Family Court (01), (West) Tis Hazari Courts, Delhi in HMA Petition No: 1342/2021 titled Nishant Grover versus Bhawna Grover.

b. That pending hearing and [mal disposal of this petition, the operation of the order dated order dated 23.04.2026 passed by the Ld. court of Sh. Manish Gupta, Judge, Family Court (01), (West) Tis Hazari Courts, Delhi in HMA Petition No: 1342/2021 titled



Nishant Grover versus Bhawna Grover be stayed;

c. To pass such other and further reliefs which their Lordships of this Hon 'ble High Court deem fit and proper; and

d. To allow the present Petition with cost.”

4. By way of the present petition, petitioner assails order dated 23.04.2026 passed by learned Judge, Family Court-01, West, Tis Hazari Courts, Delhi, in HMA No. 1342/2021, divorce petition instituted on behalf of the respondent herein. *Vide* the said order, an application under Section 151 read with Order XXVI Rule 4 of the CPC filed on behalf of the respondent herein for appointment of Local Commissioner for the purpose of recording evidence filed by him was allowed and a Local Commissioner was appointed for recording the evidence on behalf of both the parties.

5. Learned counsel for the petitioner submitted that learned Family Court has erred in delegating the judicial work of recording the evidence to Local Commissioner in the present matrimonial case as the same is highly sensitive in nature and involves adjudication upon personal issues requiring observation of demeanour of the witnesses. It is further submitted that learned Family Court has failed to appreciate that in matrimonial disputes, there is requirement of effective judicial supervision during cross-examination as it requires immediate ruling on objections and protection on sensitive questions. It is further submitted that the petitioner is a teacher by profession and the *lis* between the parties involves adjudication over some sensitive issues. Reliance has been placed upon Rule 17(vi) of Delhi Family Courts Rules, 1996, (as amended *vide* Notification dated 06.01.2025), and it is contended that the aforesaid amendment explicitly provides that the learned Family Courts are



governed by special procedure which provides that at all times there is requirement for protecting the rights of privacy and dignity of the parties. It is the case of the petitioner that in the present case the objects of the aforesaid amendment would be defeated if evidence is recorded by a Local Commissioner. It is further submitted that matrimonial cases are to be handled with utmost confidentiality, and such proceedings ought to be ordinarily conducted *in-camera*, and the same are not to be delegated to a Local Commissioner. It is further submitted that the mere convenience of the parties cannot override the petitioner's right to privacy.

6. Reliance has been placed on the judgment passed by learned Division Bench of Hon'ble Kerala High Court in **Shemeera v. Shani, 2018 SCC OnLine Ker 1231**, and particularly, on the following observations: -

“10. The Judge of the Family Court is so given the power to record only a memorandum of the substance of what the witness deposes only because he alone can remove the chaff from the grain in assessing a witness. That forensic skill of the Judge cannot be usurped by the Advocate Commissioner even though he can record remarks regarding the demeanor of the witnesses under Rule 4(4) of Order XVIII of the CPC. Section 15 of the Act read with Rule 48 of the Rules imply that evidence of the witnesses shall normally be recorded in the Family Court itself whereupon the Judge need record only a memorandum of the substance of the deposition. Sensitive issues like cruelty, adultery, desertion or custody of children can be better adjudicated only when the witnesses are cross-examined before the face of the Court itself as observed by *Odgers J.* (supra). Half of the case is heard when the evidence of the witnesses are recorded in open court which is quite different from the oral testimony recorded by the Advocate Commissioner.

11. The Family Court often misses the woods for the trees when faced with voluminous evidence recorded by the Advocate Commissioner most of which may not be relevant for deciding the issue. This can be obviated by enabling the parties to adduce evidence before the face of



the Court itself whereupon the Judge can himself monitor the process of examination of the witnesses. Unwanted questions can be weeded out and the parties directed to focus on the cardinal issues which is precisely the intent of Section 15 of the Act and Rule 48 of the Rules. Marital disputes have a personal touch depending on the character of the warring spouses and their social background which the Judge of the Family Court need to assess first hand. It is trite law that the demeanor of the witnesses have to be watched before assessing their credibility for the Court to rest its conclusion on their evidence in the verdict. The life and future of the parties in a marital dispute are at stake and the resolution of such disputes cannot be treated on par with adjudication of other disputes by the Civil Court.

12. It is of course open to the parties to waive their right to have the witnesses examined before the face of the Court and have the entire deposition recorded verbatim by the Advocate Commissioner appointed. We are reminded of the recent decision in *Santhini v. Vijaya Venketesh*, [2017 (4) KLT 415 (SC)] wherein the Supreme Court has deprecated the practice of video-conferencing in all marital disputes. It was held therein as follows:

“45. The language employed in Section 11 of the 1984 Act is absolutely clear. It provides that if one of the parties desires that the proceedings should be held in camera, the Family Court has no option but to so direct. This Court, in exercise of its jurisdiction, cannot take away such a sanctified right that law recognizes either for the wife or the husband.”

13. Similarly the desire of the wife or the husband to adduce evidence on the face of the Court is whittled down and smothered if the Court directs the evidence to be recorded by the Advocate Commissioner in all cases.

11. To sum up:

i. The Family Court shall have the evidence of the witnesses recorded by the Advocate Commissioner appointed only if either parties to the lis have no objection to adopt such course of procedure.



ii. The witnesses shall be permitted to be examined before the face of the Court itself if either parties to the lis insist on such procedure in which event the Judge need record substance of the deposition only.”

7. Reliance has also been placed on following observations made by a learned Single Judge of this Court in **M/s H Dohil Constructions Co. (P) Ltd. v. Rohit Lal & Ors., 2014 SCC OnLine Del 4037; 2014: DHC:3790:**

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“4. This Court is conscious that during cross examination and reexamination, the demeanour of the witness is required to be appreciated and assessed. While the recording of evidence (cross-examination and re-examination) of the witness in attendance whose evidence (examination-in-chief) by affidavit has been furnished to the Court, is permissible by a Local Commissioner, the Court would not as a matter of routine deny itself the essential aspect of appreciation and assessment of the demeanour of the witnesses during such examination. It would weaken the adjudicatory process. The essential processes and moments which contribute to the formation of adjudicatory opinion cannot always be delegated to a Local Commissioner. A mere ministerial recording of evidence could well be the objective for permitting recording of evidence through Local Commissioner, provided such appointment is occasioned and warranted in the select circumstances contemplated in the statute. However, the Courts would be cautious in delegating such essential aspects of the trial to a Local Commissioner which extends to the formation of a view, opinion, expression or appreciation of evidence or the demeanour of witness which would form the very basis of the adjudication. The Courts would justifiably and robustly retain such aspects of the trial exclusively for themselves, so that recording of evidence by Local Commissioners is not resorted to as a matter of routine.

5. This Court is of the view that where both the parties wanted the evidence to be recorded in the presence of the learned Judge in the court, and furthermore, there was an objection to the imposition of financial burden on the parties, the Trial Court ought to have reviewed and indeed recalled its order of appointment of the Local



Commissioner. Where parties object to the imposition of a financial burden on the appointment of a Local Commissioner, albeit for the purpose of lending expedition to the disposal of a pending litigation, the Court ought to be cautious in casting such financial burden on them. Faith in the judicial adjudicatory process is affirmed and enhanced when litigants observe the conclusion of proceedings in the Court and return with impression that a fair and equitable procedure as known to law, had been adopted. There can be no better “fair process” than the proceedings conducted in the open Court. It cannot be read as the objective of the legislation to impose costs on unwilling or economically incapable parties for the appointment of Local Commissioners, howsoever small or large that cost may be, if the parties so object. The legal process would not condone a methodology which tends to weaken either the representation or the case of a party before a court of law because of comparative financial weakness. Imposition of a monetary burden can be cast upon a person only by sanction of law and not by the Trial Court where the litigants raise an objection to the alternative procedure adopted. Although, the Trial Court's concern apropos pendency of cases and the reasoning for expeditious disposal of the case cannot be faulted and the disposition of counsel, in certain circumstances, may well be deemed obstructive, but the order itself resulting in the appointment of the Local Commissioner and the cost imposed would be unjustified when there is opposition to such appointment or is otherwise deemed unwarranted. Any procedure adopted by the lower courts which tends to weaken the faith of the public in the judicial adjudicatory mechanism as per legally defined procedure, would be susceptible to the High Courts' intervention in its supervisory and revisionary jurisdiction.

6. For the aforestated reasons, this Court is of the view that the impugned order suffers from material irregularity. It ought to be and is accordingly set aside.”

8. It is the case of the petitioner that in the present case, there is no consent on her behalf to have the evidence being recorded by a Local Commissioner, and therefore, learned Family Court had wrongly passed the impugned order.
9. *Per contra*, learned counsel for respondent, who appears on an advance



notice, submits that learned Family Court has passed the impugned order for the purpose of expediting the case pending before it. It is submitted that the parties have been involved in active litigation since 2011, and therefore, for expeditious disposal of the case owing to huge pendency of cases, evidence was directed to be recorded by the Local Commissioner. It is submitted that apprehension raised on behalf of the petitioner with respect to violation of privacy is aptly dealt with by the learned Family Court as the evidence is to be recorded in Judges' Library in Tis Hazari Court premises itself. It is further submitted that Rule 17(vi) of Delhi Family Courts Rules, 1996, itself provided that the Family Court is empowered to modify applicability of said Rules to a given situation. Thus, learned Family Court in the present case, has passed the directions by keeping in view the rights of privacy and dignity of the parties. During the course of hearing, learned counsel for the respondent has submitted that the latter is willing to bear the expenses of the Local Commissioner for the recording of the evidence of petitioner's witnesses (RWs before learned Family Court).

10. It is further submitted that the judgment relied on by learned counsel for the petitioner in **Shemeera (supra)** is not applicable to the present case as Hon'ble Kerala High Court in the said case was dealing with Rule 48 of the Family Courts (Kerala) Rules, 1989, which does not correspond with Rule 17 of Delhi Family Courts Rules, 1996, in the present case, and judgment of learned Single Judge of this Court in **M/s M.H. Dohil Construction (supra)** will also not apply as the said judgment was not given in matrimonial proceedings.

11. Reliance has been placed by learned counsel for the respondent on an order dated 16.03.2017 passed by the learned Division Bench of this Court in



MAT.APP.(F.C.) 35/2017 titled as “**Nidhi Trehan v. Ashish Khosla**”, and it has been contended that learned Family Courts, in fact, in view of amended provisions of CPC have powers to appoint a local commissioner for recording of evidence, and in similar circumstances, learned Division Bench had approved of such a procedure. The relevant portion of the said order reads as under: -

“1. Appellant’s grievance is to the fact that for recording evidence the learned Judge Family Court has appointed a Local Commissioner. As pleaded in the appeal the partial cross-examination of the respondent in the Court showed that he was evasive and thus on the facts of the instant case cross-examination of the respondent should have been completed in Court. 2. Huge pendency of cases before Family Courts is the reason for the learned Judge to direct recording of evidence before a Commissioner. Divorce proceedings initiated by the respondent in the year 2011 have reached the stage when the respondent could manage to examine himself and was cross-examined on August 09, 2016.

3. As per the amended provisions of the Code of Civil Procedure evidence can be recorded before a Local Commissioner.

4. We have perused the partial cross-examination of the respondent and do not find him to be evasive. Deposing in the year 2016, if he did not remember his landline number as of the year 2005 as also the mobile number of said vintage when he was in Hyderabad, it cannot be said that the respondent is or was evasive. We find that learned counsel for the appellant has not put any supplementary questions to the respondent asking him to respond whether a particular landline number or mobile number was his when he was in Hyderabad in the year 2005.

5. We find that the Local Commissioner appointed is a retired Additional District and Sessions Judge and had served in the District Judiciary for more than two decades. He is an experienced person and certainly would be in a position to control an evasive witness.



6. We dismiss the appeal.”

12. It is, therefore, submitted that the impugned order does not suffer from any illegality.

13. Heard learned counsels for the parties and perused the record.

14. Learned Family Court, *vide* impugned order dated 23.04.2026, while allowing the application filed on behalf of the respondent seeking appointment of local commissioner for purpose of recording had observed as under: -

“1. Vide this order I shall dispose off an application U /s 151 CPC r/w order XXVI Rule 4 CPC for appointment of Local Commissioner for the purpose of recording evidence, filed on behalf of petitioner on 07.03.2026.

2. I have already heard arguments of both the sides and perused the record. The respondent has opposed this application. Reply has been filed to this application. The same is also perused. The petitioner has prayed for appointment of Local Commissioner for recording evidence of both the parties and their witnesses.

3. During arguments, the Ld. counsel for petitioner submitted that in order to expedite the case the Local Commissioner may be appointed. It was further argued that since the Court is overburdened, therefore, it would be in the fitness of things that the evidence be recorded by the Local Commissioner. Ld. counsel for petitioner submitted that the petitioner is ready to bear the expenses of Local Commissioner as directed by the Court.

4. It was further submitted on behalf of petitioner that the Hon 'ble High Court of Delhi also passed the order dated 09.09.2025 in the case bearing no. CM(M) 1746/2025 titled as "Nishant Grover Vs. Bhawna Grover" wherein it is observed that

"the learned Trial Court is requested to make all efforts of taking up and disposing of HMA No. 1342/2021 as expeditiously as possible, in accordance with law, albeit,



taking into account the existing daily "cause list" and overall pendency before it".

5. Ld. counsel for petitioner submitted that there is heavy pendency in this Court and, therefore, Local Commissioner may be appointed for expediting the matter. On the other hand, Ld. counsel for respondent submitted that as per Rule 17 of the Delhi Family Courts (Amendment) Rules, 2024, the Family Court shall as far as possible and practicable hold the proceedings in camera and the Family Court may suitably modify the rules keeping in view the rights of privacy of the parties. I have gone through the Rule 17 as mentioned above. Ld. counsel for respondent argued that in case the evidence is recorded by the Local Commissioner, if appointed, then the right to privacy of the parties may not be protected. It was also argued on behalf of respondent that there is no exceptional circumstance shown by the petitioner warranting the appoint of Local Commissioner. **I have considered the rival submissions of both sides and perused the record. There is already the observation of Hon'ble High Court of Delhi for expeditious disposal of this case as reflected above. There is quite heavy pendency in this Court. Moreover, in case the evidence is recorded by Local Commissioner then also there shall not be any violation of the right to privacy of any of the parties. Rather, in contrast, number of litigants and Ld. counsels appear before the Court daily and in case the evidence is recorded in the Court then there may be some inconvenience to the parties due to the presence of number of other litigants and Ld. counsels. Moreover, in case the evidence is recorded "in camera" before the Court, then the other litigants and counsels may suffer on the given date as the evidence may take considerable time to be recorded. Further, if Local Commissioner is appointed to record evidence then there may be peaceful and conducive environment and the privacy of the parties is also protected as the Ld. Local Commissioner shall be recording the evidence only in this particular case and no other litigant or counsel would be present there concerning any other case.** Hence, I see no force in the contention of Ld. counsel for respondent. Accordingly, the application of the petitioner is hereby allowed and accordingly Sh. Abhinandan Jain, Advocate, Mobile No. 8010006637, e-mail ID advocateabhijain@gmail.com and Enrolment No. D/4332/2019 is hereby appointed as Local Commissioner in this case on the fees of Rs.11,000/- (Rs. Eleven Thousand only) per sitting to be paid to him



by petitioner before starting evidence for each & every session, for effective recording of the evidence. Ahlmad will take the file to the Ld. Local Commissioner, who will be paid Rs.500/- by petitioner for his each date's visit. The petitioner shall bear the expenses of Local Commissioner so far as the recording of evidence of the petitioner is concerned and also for other petitioner's witnesses, if any. On the other hand the respondent shall bear the expenses of Ld. Local Commissioner for recording the respondent's evidence and for other respondent's witnesses, if any. It is once again clarified that both the parties shall bear the expenses of Local Commissioner for their own respective evidence and of the witnesses, if examined on their behalf, as per law. The incidental/miscellaneous expenses, if any, be also borne by both the parties in similar manner.

6. The parties are directed to contact Ld. Local Commissioner on or before 27.04.2026 to fix the schedule for PE and RE.

7. Ahlmad is directed to take the file to Ld. Local Commissioner on the date fixed by him.

8. Ld. Local Commissioner is requested to conduct the commission preferably in Tis Hazari Court Complex so that the court work also do not get affected due to the occupation of the Ahlmad with the Ld. Local Commissioner.

9. Ld. Local Commissioner is also requested to expedite the completion of evidence and further requested to conclude the recording of evidence in this matter well before the date which is already fixed in this case i.e. 01.08.2026. Ld. Local Commissioner is requested to fix the dates for PE & RE in such manner that the entire evidence is concluded well before the date fixed in this case. Local Commissioner is requested to take all the necessary precautions in the light of Rule 17 of Delhi Family Courts (Amendment) Rules, 2024.

10. Parties are directed to cooperate with Ld. Local Commissioner and not to take unnecessary adjournments before Ld. Local Commissioner.

11. Copy of this order be given dasti to both the parties and one copy be sent to Ld. Local Commissioner through email/Whatsapp. Reader/Ahlmad of the Court are directed to do the needful.



The application for appointment of Local Commissioner stands disposed off accordingly. Ordered accordingly.”

(emphasis supplied)

15. Perusal of the aforesaid order shows that earlier a petition, **CM(M) 1746/2025**, was preferred by the respondent herein before this Court praying for the expeditious disposal of the divorce petition pending before learned Family Court. Learned Coordinate Bench of this Court *vide* order 09.09.2025 had requested the learned Family Court to make all efforts of taking and disposing the petition, HMA No.1342/2021, pending before it within a period of three months, *albeit*, taking into account the existing daily “cause list” and overall pendency before it. Thereafter, the subject application for appointment of Local Commissioner for the purpose of recording of evidence was preferred by the respondent on 27.02.2026. The direction given by learned Coordinate Bench *vide* order dated 09.09.2025 has also been recorded in the impugned order.

16. It has been contended on behalf of the petitioner that if evidence in the present case is recorded by the Local Commissioner, then there would be violation of the right of privacy and dignity of the parties, and prejudice could be caused to the confidential information.

17. Rule 17 (vi) of Delhi Family Courts Rules, 1996, (as amended *vide* Notification dated 06.01.2025), reads as under: -

“17. Protecting the privacy of parties or persons:

(i) No party shall extract in the pleadings the contents of a document or enclose a copy of the whole or part thereof which is of a sensitive nature viz. containing details of a personal or private nature



concerning a party or a person or their conduct, which if disclosed, is likely to affect the right to privacy or cause embarrassment, without the leave of the court. Explanation: For the purposes of this rule, a document would include any writing, private letters, notings, photographs and documents in electronic form including video clips, text messages, chat details, emails, printed copies thereof, CCTV footage etc.

(ii) whenever a party applying under (i) above, or where any other party, or the Family Court on its own, comes across a document on record in the case which is prima facie of a sensitive nature, the Family Court shall pass appropriate orders concerning the said documents including providing copies thereof to the parties, preserving the originals or copies as the case may be in a sealed cover, de-sealing for being produced during court proceedings and re-sealing after the purpose for which they were directed to be produced is over.

(iii) The Family Court shall also bind down by a specific direction, the parties and their respective lawyers and the court staff regarding the making of copies, use, preservation and dissemination of such document with a view to maintaining its confidentiality.

(iv) The Family Court shall also pass necessary directions to specify the conditions upon which access would be permitted to such document by third parties.

(v) The Family Court shall endeavour to decide on the issues at (i), (ii), (iii) and (iv) above, without unnecessary delay in accordance with law.

(vi) The Family Court shall at all times keep in view the requirements of protecting the rights to privacy and dignity of the parties and persons and may suitably modify and adapt/ apply these rules to a given situation.

(vii) The Family Court shall as far as possible and practicable hold the proceedings in camera.

(viii) The Family Court shall in all matrimonial disputes and guardianship disputes efface the names of the parties in the cause list and in other parts of the judgment as and when they are uploaded on



the website of the court or made available otherwise. The same shall be replaced by the first character of the spelling of their names.”

(emphasis supplied)

18. The aforesaid Rule itself provides that the learned Family Court may suitably modify and adapt/apply these Rules to a given situation. Perusal of the impugned order shows that the learned Family Court had requested the Local Commissioner to conduct the commission preferably in Tis Hazari Courts Complex. The *Ahlmad* of the Court was also directed to take the Court file to the Local Commissioner on the date so scheduled for recording of evidence. Learned Family Court had also observed that the Local Commissioner would be recording the evidence only in this particular case, and no other litigant or counsel would be present there, concerning with any other case. Therefore, the contention of learned counsel for the petitioner with respect to breach of privacy and dignity of the parties has been appropriately taken care of by learned Family Court in the impugned order.

19. It is pertinent to note that the appointment of the Local Commissioner for recording of evidence by learned Family Court is on account of huge pendency before the learned Family Court, and such a procedure has been approved by learned Division Bench of this Court in order dated 16.03.2017 passed in **Nidhi Trehan (supra)** wherein, it has been observed as under: -

“1. Appellant’s grievance is to the fact that for recording evidence the learned Judge Family Court has appointed a Local Commissioner. As pleaded in the appeal the partial cross-examination of the respondent in the Court showed that he was evasive and thus on the facts of the instant case cross-examination of the respondent should have been completed in Court.

2. Huge pendency of cases before Family Courts is the reason for the



learned Judge to direct recording of evidence before a Commissioner. Divorce proceedings initiated by the respondent in the year 2011 have reached the stage when the respondent could manage to examine himself and was cross-examined on August 09, 2016.

3. As per the amended provisions of the Code of Civil Procedure evidence can be recorded before a Local Commissioner.”

20. At this stage, it is apposite to refer to Order XVIII Rule 19, and Order XXVI Rule 4A of the CPC, which read as under: -

**“ORDER XVIII
Hearing of the suit and examination of witnesses**

¹[19. Power to get statements recorded on commission.—Notwithstanding anything contained in these rules, the court may, instead of examining witnesses in open court, direct their statements to be recorded on commission under rule 4A of Order XXVI.]

**ORDER XXVI COMMISSIONS
Commissions to examine witnesses**

²[4A. Commission for examination of any person resident within the local limits of the jurisdiction of the Court.—Notwithstanding anything contained in these rules, any court may, in the interest of justice or for the expeditious disposal of the case or for any other reason, issue commission in any suit for the examination, on interrogatories or otherwise, of any person resident within the local limits of its jurisdiction, and the evidence so recorded shall be read in evidence.])”

21. Section 10 of the Family Courts Act, 1984, reads as under: -

“10. Procedure generally.—(1) Subject to the other provisions of this

¹ Ins. by Act 46 of 1999, sec. 27 (w.e.f. 1-7-2002)

² Ins. by Act 46 of 1999, sec. 29 (w.e.f. 1-7-2002)



Act and the rules, the provisions of the Code of Civil Procedure, 1908 (5 of 1908) and of any other law for the time being in force shall apply to the suits and proceedings [other than the proceedings under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974)] before a Family Court and for the purposes of the said provisions of the Code, a Family Court shall be deemed to be a civil court and shall have all the powers of such court.

(2) Subject to the other provisions of this Act and the rules, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) or the rules made thereunder, shall apply to the proceedings under Chapter IX of that Code before a Family Court.

(3) Nothing in sub-section (1) or sub-section (2) shall prevent a Family Court from laying down its own procedure with a view to arrive at a settlement in respect of the subject-matter of the suit or proceedings or at the truth of the facts alleged by the one party and denied by the other.”

22. From the aforesaid provisions, it is evident that the provisions of CPC are applicable to suits and proceedings before a Family Court, and for the purposes of the provisions of the Code, a Family Court shall be deemed to be a civil Court and shall have all the powers of such Court. Therefore, learned Family Court has power to appoint a Local Commissioner for recording of evidence in matrimonial cases in terms of amended provisions of CPC. The contention of learned counsel for the petitioner that the Local Commissioner cannot be appointed for recording of evidence in matrimonial cases is misconceived. Further, with respect to recording of evidence *in-camera*, it is noted that the same is subject to “as far as possible and practicable”. The learned Family Court has given justification with respect to the same as noted hereinbefore. It is further pertinent to note that learned Family Courts have huge pendency of cases, and Local Commissioners are being appointed invariably for expeditious disposal of such cases.



23. It is further pertinent to note that the parties, as stated in the petition, are living separately since 2010. Petitioner herein had instituted criminal proceedings by way of FIR No.130/2012, under Sections 406/498A of the IPC against the respondent and his relatives, and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2012, (for short, 'DV Act'), was also filed by the petitioner. Respondent is stated to have been acquitted in the aforesaid FIR, and he is paying a sum of Rs.20,000/- per month as monthly maintenance in the aforesaid complaint case filed under Section 12 of the DV Act.

24. Insofar as the judgment relied on by learned counsel for the petitioner in **Shemeera (supra)** is concerned, the same is not applicable to the present case as Hon'ble Kerala High Court in the said case was dealing with Rule 48 of the Family Courts (Kerala) Rules, 1989, which does not correspond with Rule 17 of Delhi Family Courts Rules, 1996. Further, judgment of the learned Single Judge of this Court in **M.H. Dohil Construction (supra)** will also not apply as in the said case both the parties had objected for recording of evidence by a Court appointed Local Commissioner.

25. In view of the above facts and circumstances of the case, in the considered opinion of this Court, the impugned order dated 23.04.2026 does not suffer from any illegality or perversity.

26. During the course of arguments, learned counsel for the respondent had submitted that the latter is willing to bear the expenses of the Local Commissioner for recording of petitioner's evidence (respondent before Family Court) and for other petitioner's witnesses.

27. The impugned order dated 23.04.2026 is modified to the extent that the respondent-Nishant Grover shall bear the expenses of Local Commissioner



for recording the petitioner's evidence, and for other petitioner's witnesses.

28. The petition is disposed of accordingly.

29. Pending application(s), if any, also stands disposed of.

30. Copy of the order be sent to the learned Judge, Family Court-01, West District, Tis Hazari Courts, Delhi, for necessary information and compliance.

31. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

APRIL 30, 2026/kr/ns