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

% ***Date of Decision: 08th August, 2025***

+ CM(M) 1473/2025 & CM APPL. 48596/2025 & CM APPL.
48597/2025

BRIGHT WESTECH SOLUTION PVT. LTD. AND ANR

.....Petitioner

Through: Mr. Yogesh Sharma and Mr. Vijay
Kumar Gupta, Advocates

versus

NAUSHAD MALIK

.....Respondent

Through: None

+ CM(M) 1479/2025 & CM APPL. 48860/2025 & CM APPL.
48861/2025

BRIGHT WESTECH SOLUTION PVT. LTD. AND ANR

.....Petitioner

Through: Mr. Yogesh Sharma and Mr. Vijay
Kumar Gupta, Advocates

versus

NAUSHAD MALIK

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioners are defending commercial suits and are aggrieved by order (s) whereby their request for appointment of Local Commissioner has been denied.

2. The suits were, though, filed this year only but have now reached the stage of final arguments.



3. Respondent i.e. plaintiff Mr. Naushad Malik has filed suits seeking recovery. According to him, batteries were purchased from him by the defendants on different dates and the payment thereof is pending.
4. Defendants, though, do not dispute the supply of the batteries but according to them, the batteries were defective and it even raised two debit-notes but since the batteries were never replaced, there is no liability to pay the suit amount.
5. Defendants moved the aforesaid applications seeking appointment of Local Commissioner and they wanted the Local Commissioner to go to their store and to prepare an inventory and also to report whether the batteries, which are reportedly 9000 in number, are faulty or not.
6. Keeping in mind the respective stand taken in the pleadings, this Court has no hesitation in holding that the aforesaid request seems totally misconceived.
7. Local Commissioner cannot be got appointed for the aforesaid purpose. It is for defendants to demonstrate before the Court that batteries were not working and faulty. They can always substantiate the same, without seeking appointment of any Commission. They cannot seek assistance of the Court for the purpose of collection of evidence by asking for a Local Commissioner to go to the premises and to inspect the batteries. Court cannot be used as a tool for collecting evidence. The purpose of appointment is to elucidate local factual situation which from its peculiar nature can only be had from the spot itself. The situation is not akin here.
8. The case is already at the stage of final arguments.
9. Viewed thus, this Court does not find any merit or substance in the present petition. Same is, accordingly, dismissed *in limine*.



10. Needless to reiterate, the above observations would not be taken as reflection on the merits of the case and the learned Trial Court would decide the suit, without being influenced by the present order.

11. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 8, 2025/dr/js