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

% *Date of Decision: 14<sup>th</sup> July, 2025*

+ CM(M) 1214/2025 & CM APPL. 40927-40928/2025

ANKUR JAIN

.....Petitioner

Through: Mr. Raj Kumar, Ms. Sangita Chauhan,  
Ms. Shivangi Singh and Mr. Ashok  
Kumar, Advocates.

versus

SHAKUNTALA DEVI

.....Respondent

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner is defendant before the learned Trial Court and is aggrieved by order dated 29.04.2025 whereby the learned Trial Court has directed recording of evidence through Local Commissioner.
2. The grievance of the petitioner is, merely, limited to the effect that keeping in mind the financial position of the defendant (petitioner herein), he cannot bear the expenditure of such Commission.
3. The impugned order is dated 29.04.2025, and when asked, learned counsel for petitioner, in all fairness, submitted that he did not move any application before the learned Trial Court seeking recall of said order whereby the Local Commissioner was appointed.
4. He also submits that, so far, no evidence has been recorded by the learned Local Commissioner either, primarily for the reason that the petitioner herein has not deposited fee or expenses towards such Commission.



5. None appears on behalf of the respondent despite advance notice.
6. However, keeping in mind the overall facts of the case and also appreciating, in particular, the fact that the abovesaid request is being made before this Court for the first time, the present petition is disposed of with permission and liberty to petitioner herein to move appropriate application before the learned Trial Court seeking recall of the order whereby the learned Trial Court has directed the evidence to be recorded by a Local Commissioner.
7. As and when any such application is moved, the learned Trial Court shall consider the same in accordance with law, after giving due opportunity of hearing to both the sides and without getting influenced by observation appearing in order dated 29.04.2025.
8. The petition stands disposed of in aforesaid terms.
9. The pending applications, if any, stand disposed of.
10. A copy of this order be given *dasti* under the signatures of Court Master.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 14, 2025/ss/pb**