

Guidelines for Local Commissioner (Evidence)

- (i) The purpose of appointing a Local Commissioner to record evidence is to expedite the conclusion of evidence. Any technical objections raised by any of the parties should be noted in the proceeding sheet, and these should not serve as grounds for adjourning the proceedings.
- (ii) The Local Commissioner ought to prepare a proceeding sheet for every hearing. This sheet, along with the evidence recorded on that day, should simultaneously be provided to the concerned parties as well as the official of this Court who brought the file to the Local Commissioner.
- (iii) If any documents are filed during the course of the examination-in-chief and/or cross-examination, they should be duly exhibited and attached to the day's proceedings by the Local Commissioner under his/her signatures. Short description of the said documents filed should be mentioned in the day's proceedings by the Local Commissioner. The said documents shall also be handed over to the official of this Court who brought the file to the Local Commissioner.
- (iv) If any objections are raised relating to any documents, the same ought to be recorded and cross-examination would, however, proceed.
- (v) In the case of an outstation witness, repeated appearances should be avoided. The Local Commissioner should schedule dates in such a way as to ensure, to the extent possible, that evidence of the said witness is concluded on the same day or the next day.
- (vi) In case of foreign witness, if the witness is physically present, his/her evidence should be recorded in a way that inconvenience is not caused. If it is feasible to record evidence via virtual mode in accordance with

the High Court of Delhi Rules for Video Conferencing for Courts, 2020, then the same shall be recorded as such.

- (vii) The Local Commissioner shall ordinarily not adjourn recording of evidence for a period beyond one week. Upon receipt of a request for a longer adjournment, the matter shall be forthwith placed before the Court for appropriate orders. See Rule 8(ii) of Chapter XII of the Delhi High Court (Original Side) Rules, 2018.
- (viii) The requirement for the Local Commissioner to conclude evidence within the time stipulated by the Court and in any case within six (6) months’ time-limit (from the first date fixed before him/her) is mandatory and not directory. According to Rule 8(ix) of Chapter XII of the Delhi High Court (Original Side) Rules, 2018, if any extension is to be sought, the Local Commissioner is required to furnish a report explaining reasons for delay and direct parties to seek appropriate orders from the Court.
- (ix) In cases where Local Commissioners are appointed to record evidence, there should be supervision by either the Court or the Joint Registrar concerned.
- (x) Additionally, a returnable date should be fixed by the Court Master concerned to ensure that the recording of evidence by the Local Commissioner is supervised and is not delayed.
- (xi) These guidelines are inclusive, not exclusive and being general in nature, subject to any specific directions / orders being passed by the Court concerned.

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