

CS (COMM)235/23
CNR No. DLWT01-002125-2023

BE RANKER SERVICES Vs. WEBPULSE SOLUTION PVT LTD.

Counter Claim52/23
CNR No. DLWT01-009174-2023

WEBPULSE SOLUTION PVT LTD Vs. BE RANKER SERVICES

24.05.2024

(Through Hybrid Mode i.e physical as well as VC)

Present: Mr. Manoj Kumar, Counsel for the plaintiff/ non-counter claimant *(through VC)*.
Mr. Kapil Jain, Counsel for the defendant/ counter-claimant *(physically)*.

In this matter, on the last date of hearing i.e. 15.03.2024, Court Commissioner was appointed for recording of evidence, but it is pointed out by the defendant that no steps were taken by the plaintiff for recording of evidence before the Court Commissioner. Upon it the Court Commissioner was requested to join the VC to apprise the Court and the Court Commissioner Mr. Kushagra Bansal appeared through VC and submitted that till date he has not been informed by the plaintiff about any evidence or even appointment of the Court Commissioner for recording of evidence. He submits that only on 07.04.2024 he received an e-mail from the defendant's side and even in that communication there was no copy of order of this Court appointing him as Court Commissioner and that he was under the impression that the said copy of evidence of the defendant has been supplied to him in some of his another matter.

It seems that the plaintiff did not take any steps for evidence before the Court Commissioner and the plaintiff also did not inform this Court as to why the plaintiff was dragging its feet.

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Let counsel for the plaintiff appear physically in the Court on the next date of hearing as he is not present now on the VC and after the first call he left the VC. Let the plaintiff make submissions as to why cost should not be imposed on the plaintiff.

Put up on **07.06.2024**.

Meanwhile, the defendant has filed the affidavit in evidence on record. It be kept on record.

A copy of this order be placed in both the files.

(DIG VINAY SINGH)
District Judge (Commercial Court)-03
West/THC/Delhi/24.05.2024(m)