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

+ W.P.(C) 4069/2021

ACHLA DHAWAN

..... Petitioner

Through: Mr. Harshvardhan Pandey, Advocate.

Versus

STATE OF NCT OF DELHI & ANR.

..... Respondent

Through: Mr. Gautam Narayan with Ms. Asmita Singh, Mr. Hashit Goel, Mr. Sujay Jain, Advocates for DHC.  
Ms. Harshita Nathrani for Mr. Sameer Vashisth, Advocates for GNCTD.  
Ms. Harshita Nathrani, Advocate for Mr. Sameer Vashisth, ASC, GNCTD.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

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**21.11.2023**

1. Present writ petition has been filed for issuance of an order directing development of proper infrastructure and logistical support for recording of evidence by the Local Commissioners in District Courts in Delhi.
2. Learned counsel for the Petitioner states that utter lack of infrastructure and logistical support for recording of evidence by Local Commissioner frustrates the very object of promoting recording of evidence out of courts. He further states that for recording of evidence out of court, to be an effective reality, it needs to be made a substitute for recording of evidence in Court rooms. Therefore, according to him, it is imperative to



provide an environment conducive to the recording of evidence by Local Commissioners by providing adequate infrastructure and logistical support.

3. He states that though the Registrar General of this Court in his affidavit has stated that there is a paucity of spaces in all the District Courts in Delhi, yet the Government of National Capital Territory of Delhi ('GNCTD') in its status report has stated that no proposal regarding providing proper infrastructure and logistical support needed for recording of evidence by issuance of commissions by Courts in Delhi is under consideration with the Law Department of GNCTD and, if any, such proposal is received from the High Court of Delhi and/or Delhi District Courts, the same shall be considered.

4. This Court takes judicial notice of the fact that that in all District Courts in Delhi, there is a shortage of space and budget. The number of Court rooms available is not commensurate with the sanctioned strength of judicial officers. Several new judicial infrastructure projects have been awaiting administrative approval and expenditure sanction of the GNCTD.

5. It is pertinent to mention that ninety-nine newly recruited officers of Delhi Judicial Service have recently joined and are currently undergoing training at the Delhi Judicial Academy and few more are expected to join in the near future. It is apparent that after completion of their training, it would not be possible for the High Court of Delhi to allot Courts to all these officers on account of non-availability of Court rooms.

6. In any event, learned counsel for the GNCTD is directed to obtain instructions as to whether funds and land would be made available for providing appropriate infrastructure for recording of evidence by Local Commissioners in the District Courts in Delhi.



7. List on 01<sup>st</sup> December, 2023.

**THE ACTING CHIEF JUSTICE**

**MINI PUSHKARNA, J**

**NOVEMBER 21, 2023**  
**N.Khanna / AS**