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

+ CM(M) 980/2016

PEEYUSH RASTOGI & ANR Petitioners
Through Mr.Rakesh Kakar, Advocate.

versus

SHEFALI THAKUR Respondent
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **27.09.2016**

CM No. 35866/2016 (exemption)

Exemption is allowed subject to all just exceptions.

CM(M) 980/2016 and CM No. 35865/2016 (stay)

1. By the present petition, the petitioner seeks to impugn the order dated 08.09.2016 by which on an application filed under Order 11 Rule 2 CPC, a direction was passed against the petitioner to reply to the interrogatories No. 1 to 4.
2. The plaintiff has filed the present suit for recovery of arrears of rent, rendition of accounts and permanent and mandatory injunction. It is stated in the plaint that the respondent's mother purchased the suit property in Nehru Place. She died intestate on 04.04.2000 and the respondent is the owner of 1/3rd share of the said property. It is further stated that the petitioners have illegally let out the property without the consent and permission of the

respondent. In the plaint, it is admitted that the respondent executed a General Power of Attorney in favour of the petitioner No.2 on 16.06.2001. She also states that she has cancelled the GPA on 18.01.2002.

3. In the written statement, personal allegations are made against the respondent. It is further stated that in June 2001, the respondent was in need of urgent money and executed, a GPA to the extent of her 1/3rd share and she was paid a sum of Rs. 10 lacs in cash. Thereafter, it is urged that the respondent has never claimed her share in the suit property.

4. By the impugned order the trial court has directed the petitioners to file their reply to the following four interrogatories.

“(i) Disclose the details of the tenants to whom the Suit Property has been let out by the defendant No.1 and 2 for the last 3 years alongwith the lease deeds/rent deeds and/or Agreement entered into between the defendants No.1 and 2 and such tenants.

(ii) Have the defendants no. 1 and 2 let out the suit property to the defendant No.3 and if the answer is in affirmative, kindly produce the Lease Deed (s)/Agreement entered between the defendants in respect of the suit property?

(iii) It is correct that the defendant No.3/tenant is paying the electricity charges in respect of the suit property to the Authorities concerned directly?

(iv) In whose name the electric meter is installed in the suit property?”

5. Learned counsel appearing for the petitioner has vehemently argued that these interrogatories are redundant in as much as all the material information has been placed on record in the written statement. He submits that even the issues have not been framed so far and this is only to preclude to the respondent filing an application under Order 12 Rule 6 CPC. He also submits that the respondent having lost her title to the property in question

way back in 2001 has now mischievously filed the present suit belatedly and hence, the impugned order is erroneous

6. The issue as to whether the respondent has ceased to be a co-owner of the suit property is an issue which will have to be adjudicated upon by the trial court. According to the petitioners themselves, the information which is sought is already on record. No prejudice would be caused to the petitioners in answering the interrogatories. This is information which would be available only with the petitioners and in the circumstances of the case, it is necessary that it should be brought on record.

7. There is no merit in the petition and the same is dismissed.

JAYANT NATH, J

SEPTEMBER 27, 2016

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