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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CM(M) 1061/2017 & CM No.34734/2017 (for stay)
JIYA SAHGAL & ANR Petitioners

Through: Ms. Rytim Vohar, Adv.

Versus

ASHVIN SAHGAL Respondent

Through: Mr. Praveen Chauhan, Adv.

AND

+ CM(M) 1070/2017 & CM No.34951/2017 (for stay)
JIYA SAHGAL & ANR Petitioners

Through: Ms. Rytim Vohar, Adv.

Versus

ASHVIN SAHGAL & ORS Respondents

Through: Mr. Praveen Chauhan, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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24.10.2017

1. This order is in continuation of the earlier order dated 22nd September, 2017.
2. The notice ordered to be issued to the counsel for the respondent/s has been served and the counsel for the respondent/s appears.
3. The counsel for the respondent/s states that the petitioners did not object before the Additional District Judge (ADJ) to the appointment of the Court Commissioner for recording evidence. He otherwise states that the respondent/s, for the sake of expediency, have no objection to the petitions being allowed and the evidence being recorded by the Court.

4. A reading of the impugned orders dated 19th July, 2017 and 1st August, 2017 shows the order of appointment of Commissioner for recording evidence having been made without obtaining the consent of the petitioners.
5. Thus, the petitions are allowed.
6. The impugned orders dated 19th July, 2017 and 1st August, 2017, insofar as appointing the Court Commissioner for recording evidence, are set aside.
7. On enquiry, it is stated that the suits, from which these petitions arise, are now listed on 29th November, 2017.
8. The parties to appear before the learned ADJ on 8th November, 2017 for fixing of the dates for recording evidence in the suits.
9. On request of the counsel for the respondent/s, it is recorded that according to the counsel for the respondent/s, the respondent/s are still ready for the settlement which was arrived at before the Division Bench and have also forwarded the signed application under Order XXIII Rule 3 of the CPC to the petitioners. The counsel for the respondent/s also states that if the petitioners still desire the settlement, the respondent/s are willing therefor before the next date of hearing.

RAJIV SAHAI ENDLAW, J

OCTOBER 24, 2017

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