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

+ CM(M)-1307/2018

ROHINTON EDALJI

..... Petitioner

Through: Mr.Tanmay Mehta, Mr.Raveesh
Thukral & Mr.Abhishek Agarwa,
Advs.

versus

ARVIND RAI & ORS

..... Respondents

Through: Mr. Kamal Mehta and Mr. Siddharth
Singh Yadav, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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21.01.2020

CM No. 2283/2020 (Exemption)

Allowed, subject to all just exceptions.

CM No. 2282/2020 (Dir.)

This application has been filed by the petitioner placing on record the order dated 13.01.2020 passed by the Supreme Court in Special Leave Petition (Civil) No. 29988/2019 titled *Arvind Rai & Ors.Vs Rohinton Edalji*, which had been filed by the respondents challenging the order dated 03.12.2019 passed by this Court in the present petition.

It is averred that this Court, by an order dated 18.12.2019 had inter alia taking note of the Special Leave Petition filed by the respondents, passed the following directions:-

“a) With the consent of the parties, the Local Commissioner already appointed shall visit the suit property on 21st December, 2019 at 11:00 AM and shall prepare a list of movable assets of the deceased brother - Mr. Hoshang Edalji. The Local Commissioner shall keep the same in an Almirah in the premises, under lock and key, and the key thereof shall be given to the Petitioner.

b) One bedroom, along with one bathroom, shall be vacated by the Respondents and shall be handed over to the Local Commissioner. The said bedroom, along with the bathroom, shall be available for use and occupation of the Petitioner.

c) The Petitioner shall also have access to common areas, such as the dining room and the drawing room of the suit property.”

The above directions were expressly stated to be subject to further order that would be passed in the Special Leave Petition filed by the respondents.

As the Special Leave Petition filed by the respondents has been dismissed, there is no impediment on the order dated 03.12.2019 to be given full effect. Accordingly it is clarified that the order dated 03.12.2019 has to be given full effect subject to the probate proceedings filed by the respondent no. 1.

Mr.Kunal Mimani, Advocate (Mob: 7042492840) had been appointed as a Local Commissioner by the order dated 20.12.2019. He is appointed as a Local Commissioner to give effect to the order dated 03.12.2019 passed by this Court and in terms thereof. The Local Commissioner shall execute the commission on 25.01.2020. There will be no need to give further notice to the parties of such commission. The fee of the Local Commissioner is fixed

as Rs.50,000/- to be paid by the petitioner in addition to all out-of-pocket expenses.

Dasti.

NAVIN CHAWLA, J

JANUARY 21, 2020/rv