



2024:DHC:6585



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision: 29<sup>th</sup> August, 2024***+ **CM(M) 1887/2024 & CM APPL. 49423/2024****AJAY SHARMA AND ORS**

.....Petitioner

Through: Petitioner in person.

versus

**MD. FARMAN**

.....Respondent

Through: None.

**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****JUDGMENT (oral)**

1. The father of the petitioner was defending a suit for possession and injunction. After his death, his LRs were brought on record.
2. Said suit is now at the stage of final arguments and is reportedly fixed for 02.09.2024 for final arguments.
3. After the death of Sh. Om Prakash, his LRs moved an application under Section 151 CPC praying therein that one report of the Local Commissioner, appointed in one other case i.e. Suit No.346/1993, may be permitted to be placed on record.
4. The learned Trial Court dismissed the abovesaid application observing that no cogent reason has been assigned as to why such report, which pertains to the year 1993, was not placed on record, at earlier point of time.



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5. This Court has gone through the written statement which had been filed by Sh. Om Prakash and in his such written statement, he, himself had made reference about the judgment and decree dated 10.01.2000 passed in said case. If at all, the defendant was of the opinion that any such report given by the Local Commissioner in said case is having any kind of bearing over the suit in question and is required for just and fair decision of the suit in question, there was no one to prevent him from placing on record such report at the very threshold of the proceedings. Nothing of that kind was ever contemplated by Sh. Om Prakash during his lifetime.
6. After the death of Sh. Om Prakash, his legal representatives have though stepped into his shoes but that does not mean that they get any automatic right to move the clock backwards.
7. Keeping in mind the overall facts and circumstances of the case, this Court is of the considered opinion that discretion exercised by the learned Trial Court while dismissing the abovesaid application under Section 151 CPC does not call for any interference.
8. The petition as such is, accordingly, dismissed.
9. The next date of 04.11.2024 is cancelled.

**(MANOJ JAIN)**  
**JUDGE**

**AUGUST 29, 2024**  
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