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

+ **CM(M) 1016/2022**

SH. BAHADUR SINGH

.....Petitioner

Through: Mr. Mr. Sandeep Aggarwal, Sr.
Adv. with Mr. P. Kr., Adv.

versus

SH. SAT PRAKASH & ANR.

.....Respondents

Through: Mr. Rajesh Yadav, Sr Adv with Mr.
V. P. Rana, Adv

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

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16.12.2024

1. Petitioner impugns the order dated 01.11.2019 passed by the learned Court of Additional District Judge-01, Central, Tis Hazari Court, Delhi in case of Sh Bahadur Singh vs Sh Sat Prakash, Execution No. 24026/2016 whereby the application filed by petitioner under Order XXVI Rule 9 CPC for appointment of the Local Commissioner was dismissed by the Executing Court.
2. Learned counsel for the petitioner submits that Executing Court *suo moto* appointed the Local Commissioner and Local Commissioner has already submitted its report in light of the same, and in view of this, the present petition has become infructuous and may be disposed of accordingly.
3. Learned counsel for the respondents submits that the order of appointment of Local Commissioner has been separately challenged by the



respondents in CM (M) No. 1701/2023.

4. The present petition has become infructuous in view of the fact that the learned Trial Court had appointed the Local Commissioner and therefore, the present petition is disposed of as infructuous. However, it is made clear that this order has not been passed on the merits of the case and therefore all rights and contentions of the respective parties are reserved.

RAVINDER DUDEJA, J

DECEMBER 16, 2024

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