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

+ **CONT.CAS(C) 1496/2023**

WARIS MASIH

..... Petitioner

Through: Mr. Saurabh Sharma, Mr. Shashank
Dewan and Mr. Ankita Chopra,
Advocates. (Mob: 7044953851)

versus

RAKESH BHATIA & ANR.

..... Respondents

Through: Mr. Rakesh Bhatia
Respondent-in-person
Mob: 9811005046
Email. Careerbooster123@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
25.01.2024

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1. The present petition has been filed alleging violation of the order dated 14th July, 2023 passed by learned ADJ-01, South District, Saket Courts, New Delhi in *CS No. 501/2022*.

2. Mr. Saurabh Sharma, learned counsel appearing for the petitioner submits that despite fixing time and date for the visit of the Local Commissioner, the respondents have not responded or communicated with the Local Commissioner. He draws the attention of this Court to the Report dated 6th September, 2023 filed by the Local Commissioner, wherein the Local Commissioner had categorically stated that the respondents did not turn up and did not even bother to pick her phone. Since the respondents did not turn up, the flat in question, which was to be visited by the Local



Commissioner, could not be opened. Thus, the Local Commissioner was unable to make the inventory of the documents in compliance of the order dated 14th July, 2023 passed by the learned ADJ-01.

3. Learned counsel for the petitioner has also drawn the attention of this Court to the various messages sent by the Local Commissioner to the respondent herein. He further submits that the respondent has been visiting the office of the Local Commissioner, and thus, the Local Commissioner apprised the same to the learned Trial Court.

4. Mr. Rakesh Bhatia, respondent no. 1 who appears in person, at the outset tenders an unconditional apology before this Court. He submits it has never been his intention to obstruct any Court proceeding, or obstruct or hinder the process of the Court.

5. The respondent no. 1 in person further submits that on 14th July, 2023 when the matter was listed for orders, the petitioner herein made request for appointment of a Local Commissioner, which could not have been done at that stage.

6. Per contra, Mr. Saurabh Sharma, Advocate appearing for the petitioner vehemently disputes the same and submits that the order dated 14th July, 2023 for appointment of a Local Commissioner was a consent order and the said order was passed in the presence of the respondent by the learned Trial Court. He further submits that he has already paid an amount of Rs. 10,000/- towards the fees of the Local Commissioner.

7. On the other hand, the respondent in person, who is present in Court submits that the said order dated 14th July, 2023 came to be passed since his lawyer was not present in the Court on the said date and he being not in a good mental state, was not able to comprehend as to what was going on in



the Court. However, he again tenders an apology before this Court and submits that he has utmost respect for all orders passed by this Court.

8. The respondent in person further submits that he was never intimated regarding the time of the visit by the Local Commissioner. He further submits that the action of the petitioner with respect to appointment of a Local Commissioner was only with a view to prolong the matter, as otherwise, the matter was listed for pronouncement of order on 14th July, 2023.

9. I have heard learned counsel for the petitioner as well as the respondent in person.

10. This Court notes that by order dated 14th September, 2023, the learned ADJ-01, South District, Saket Courts has already proceeded further with the matter, and has categorically recorded that since the respondent no. 1 herein is not ready to cooperate in the visit of the Local Commissioner and preparation of the inventory, in such a situation, no report can be prepared. Thus, apparently the order dated 14th July, 2023 stands recalled by the learned ADJ-01 by order dated 14th September, 2023.

11. Considering the facts and circumstances of the present case, this Court accepts the unconditional apology of the respondent no. 1 who appears in person. He undertakes before the Court that he shall not obstruct the process of the Court in future. Further, this Court has also cautioned the respondent no. 1 that he shall not visit the office of the Local Commissioner or any other officer of the Court. He undertakes that he shall not repeat such conduct in future.

12. Accordingly, no further orders are required to be passed in the present petition.



13. Accordingly, the present petition is disposed of.

14. It is clarified that this Court has not expressed any opinion on the merits of the case of either of the parties. Further, all rights and contentions of the parties qua the order dated 14th July, 2023 and 14th September, 2023 are left open.

MINI PUSHKARNA, J

JANUARY 25, 2024
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