



2024:DHC:6459



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of decision : 23rd August, 2024***+ **CM(M) 3208/2024 & CM APPL. 48317-48318/2024****ASHA RANI SUKHIJA**PetitionerThrough: Mr. Ashish Mohan with Mr.Samarth
Chawdhary, Advocates.

versus

PANKAJ SIKRIRespondent

Through: Mr. S.S. Dhir, Advocate.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Learned counsel for the respondent appears on advance notice.
2. The issue raised in the present petition is a very small one.
3. The petitioner herein, who is defending a suit for specific performance, moved an application before the learned Trial Court for appointment of Local Commissioner for the purposes of inspection of the suit property in relation to various aspects. Such application was opposed by the learned counsel for the plaintiff on the ground that the suit property had been got sealed through a receiver, by virtue of order passed by the High Court of Delhi and, therefore, such application was not maintainable.
4. The interesting aspect of the case is that when such property was directed to be sealed, the same very suit i.e. CS No.1901/2016 was



pending before this Court on original side and it was only on account of change in pecuniary jurisdiction that the suit got transferred to District Courts. In such a situation, it cannot be said that the learned Trial Court was not competent to consider the above said request, being bound by said order.

5. The attention of this Court has also been drawn towards order dated 27.05.2015, passed by this Court in CS(OS) 380/2014 and it is stated at the bar that said suit was, eventually, got transferred to District Courts on account of change in the pecuniary jurisdiction.

6. In the aforesaid peculiar backdrop, learned Trial Court was, evidently, competent to entertain the request regarding appointment of Local Commissioner and to have disposed the same, either way, in accordance with law.

7. In view of the above, the present petition is disposed of with the direction to the learned Trial Court to consider the aforesaid application afresh in accordance with law.

8. This is, however, clarified that this Court has not made any observation in context of merits of said application.

(MANOJ JAIN)
JUDGE

AUGUST 23, 2024
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