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

+ CM(M) 543/2017, CM APPL. 18455/2017--stay

SAMANTRA & ANR

..... Petitioners

Through: Ms. Jyoti Dutt Sharma, Mr. Rahul Sharma, Mr. Ayush Bhatt, Ms. Sonika Rahore and Mr. Angad Gautam, Advs.

versus

GAJENDER SINGH

..... Respondent

Through: Mr. Advocate. (appearance not given)

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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13.03.2024

1. Present petition has been filed under Article 227 of the Constitution of India impugning the order dated 06.06.2016 passed by the learned Senior Civil Judge/Rent Controller (East), Karkardooma Courts, Delhi in suit bearing number 361/2015 (New Suit No.5526/2016) titled as “Sh. Gajender Singh vs. Smt. Samantra & Ors.” whereby application under Order XI Rule 2 CPC and application under Order XXXIX Rule 1 & 2 were allowed.
2. At this stage, it is submitted on behalf of the petitioner that to give quietus to the dispute with respect to the present petition, the learned Predecessor Bench vide order dated 13.11.2019 had appointed a Local Commissioner and the report of the Local Commissioner dated 16.12.2019 is already on record. Thus, the said directions passed by learned Trial Court with respect to application under Order XI Rule 2 CPC have become redundant in view of the report of the Local Commissioner dated



16.12.2019.

3. The parties submit that they shall place the report of Local Commissioner before the learned Trial Court on or before the next date of hearing. However, learned counsel for the petitioner submits that if needed, he shall file objections to the report.

4. Learned counsel for the respondent submits that since the report of the Local Commissioner is on record and copies of the same are with the parties, therefore, no grievance remains as far as the present petition is concerned.

5. In view of the said submissions, the impugned order dated 06.06.2016 is modified and set aside to the extent of “*directing the defendant to answer interrogatory about their knowledge of the fact of the induction of tenants in 8 flats and the rent received from them, within 15 days from tomorrow and thereby allowing the application of the plaintiff*”.

6. No further directions are required in the present petition.

7. Consequently, the present petition along with pending application stands disposed of.

SHALINDER KAUR, J.

MARCH 13, 2024
SDS