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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% ***Date of Decision: 18th March, 2025***

+ CM(M) 507/2025 & CM APPL. 15683-15684/2025

REKHA GUPTA

.....Petitioner

Through: Mr. Pulkit Verma with Ms. Surabhi
Kukreti, Advocates.

versus

RISHI GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a divorce petition filed by her husband and is aggrieved by order dated 20.11.2024 whereby learned Judge, Family Court has directed appointment of Local Commissioner for the purposes of recording of evidence.
2. According to petitioner, the Court has not considered the contentions raised by her when such request was opposed.
3. He submits that a reply was filed on 20.11.2024 and in such reply, there was reference to judgments of this Court and these have not even been discussed.
4. Though, while invoking supervisory powers under Article 227 of the Constitution of India, this Court would not, generally, interfere with any such order, directing appointment of Local Commissioner for recording of evidence, there is one peculiar aspect which needs to be highlighted here.
5. After the abovesaid order dated 20.11.2024 whereby the Local Commissioner had been appointed, the other side i.e. Mr. Rishi Gupta



(respondent herein) has himself filed an application seeking recall of the abovesaid order and praying for change of Local Commissioner and its fee. In such application, it has also been mentioned that despite the abovesaid appointment, not a single session has been conducted.

6. It is apprised that such application is listed for consideration before learned Judge, Family Court on 29.04.2025.

7. Since Mr. Rishi Gupta (respondent herein) himself has already moved an application seeking recall of the abovesaid order and seeks certain modifications with respect to the terms of the appointment, the present petition is disposed of with direction that at the time of consideration of said application, learned Judge, Family Court shall also consider the contentions of the petitioner and would pass order afresh, without getting prejudiced by its earlier order dated 20.11.2024.

8. Pending applications, if any, also stand disposed of in the aforesaid terms.

9. Needless to clarify, this Court has not expressed any opinion about the merits of the case or with respect to the powers of the Court to appoint a Local Commissioner for recording of evidence.

10. Copy of the order be given dasti under signatures of Court Master.

(MANOJ JAIN)
JUDGE

MARCH 18, 2025/st/shm