



2023:DHC:7117



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

Date of decision: 26.09.2023

+ **CM(M) 1316/2022**

HARSHITA G. GANDHI Petitioner
Through: Ms.Alkanshree Dahar,
Ms.Ruchi Muajal, Mr.Amolak,
Ms.Smriti, Mr.D.Moitra and
Ms.Jyotika Malhotra, Advs.

versus

NIMIT GANDHI Respondent
Through: Mr.Sunil Mittal, Sr. Adv. with
Ms.Seema Seth, Mr.A.K.
Pandey and Ms.Muskaan,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (ORAL)

1. This petition was disposed of by the order dated 07.12.2022 appointing Ms.Kiran Nath, learned Principal and Sessions Judge (Retired) as a Local Commissioner to record evidence of the parties in the HMA No. 1070/2020, titled *Nimit Gandhi v. Harshita G.Gandhi*, pending adjudication before the learned Judge, Family Court-01, South District, Saket Courts, New Delhi (hereinafter referred to as the 'Family Court'). It was further directed that the learned Local



and how to proceed in the light of their messages.

In these circumstances I do not find it fit to continue the proceedings as an LC in this case. I would thus like to recuse myself as the LC in this case from any further proceedings.

Please also find attached herewith the screen shots of the messages in the said whats app group for reference.

Submitted.”

6. The learned Local Commissioner has also annexed various WhatsApp chats that have been exchanged between the parties, their counsels and the learned Local Commissioner.

7. Clearly, the petitioner herein, who is the respondent before the learned Family Court and referred to as the respondent in the above email, is making a mockery of the Court system by first seeking a substitution of the learned Local Commissioner appointed by the learned Family Court, which was agreed to as a matter of indulgence by this Court vide its order dated 07.12.2022, and now making allegations against the substitute Local Commissioner as well. She appears to be habitually making instigating remarks, not only against the learned Local Commissioner but also against the learned counsel appearing for the respondent herein. This practice needs to be dealt with firmly.

8. Mr.Sunil Mittal, learned senior counsel for the respondent, has also brought to my attention the order dated 09.05.2023 passed by this Court in another petition filed by the petitioner herein, being CM(M) 754/2023, titled as ***Harshita G Gandhi v. Nimit Gandhi***, which, in



as the petitioner has failed to avail of the indulgence granted by this Court vide its order dated 09.05.2023 passed in CM(M) 754/2023, in any case, the evidence of the parties stand concluded and there is no need for appointing a substitute learned Local Commissioner.

16. Accordingly, Ms.R.Kiran Nath, learned Principal and Sessions Judge (Retired), is discharged from acting as a Local Commissioner in the HMA petition bearing No. 1070/2020 titled *Nimit Gandhi v. Harshita G.Gandhi*.

17. The learned senior counsel for the respondent submits that the fee of the learned Local Commissioner has been paid in terms of the order dated 07.12.2022 of this Court. He submits that, however, the petitioner did not pay the further sum of Rs.50,000/- to the learned Local Commissioner towards her fee, as had been directed in the order dated 09.05.2023 passed by this Court in CM(M) 754/2023.

18. The learned counsel for the petitioner submits that this fee was not paid as the learned Local Commissioner had addressed the email seeking recusal prior to the dates fixed for recording of evidence.

19. I again see no merit in such submission of the petitioner.

20. The order dated 09.05.2023 had granted indulgence to the petitioner to lead evidence subject to the condition that the petitioner pays a further sum of Rs.50,000/- to the learned Local Commissioner towards her fee. Admittedly the said fee has not been paid by the petitioner and, therefore, in any case, the indulgence does not survive.

21. As I find that the petitioner has made a mockery of the system of this Court, the petitioner is, therefore, burdened with costs quantified at Rs.25,000/-, to be deposited with the Delhi High Court



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Legal Services Committee within a period of four weeks from today.

22. The learned Family Court shall proceed further with the divorce petition filed by the respondent herein, in accordance with the law.

23. This Court expresses its regret to the learned Local Commissioner for the agony she had to suffer because of the appointment made by this Court.

NAVIN CHAWLA, J

SEPTEMBER 26, 2023/ns/AS