

14 CS 355/2014 1443/16
REKHA Vs. KHUSHAL

07.02.2025

Present : Sh. Shivam Panchal, Proxy for Sh. Manoj Kumar Panchal, Id. Counsel for the plaintiff/DH.
None for the defendant on call at 11.07am.

Put up at 4.00pm for further consideration in the matter.

(Sanatan Prasad)
District Judge-02 (East)
Karkardooma Courts/Delhi/07.02.2025

4.00pm

Present : None.

An application U/s 151 CPC filed on behalf of the plaintiff, seeking appointment of the Local Commissioner, for partition of the suit property by metes and bounds, is pending consideration.

Heard. The perusal of the record shows that vide judgment, dated 01.11.2023, the suit was decreed qua the relief of partition with other reliefs, in respect of the suit property bearing No.169, Gali No.5, Sarpanch Ka Bada, Mandawali, Fazalpur, Delhi-110092, area measuring about 100 sq. yards, comprising ground, first, second, third and fourth floors, (more specifically shown in red colour in the site plan), and, thereafter, the matter was listed for taking appropriate steps for partition by metes and bounds.

Considering the above facts and circumstances, the application of the plaintiff stands allowed and **Advocate Ms. Akanksha Gupta, Enrollment No.D/3566/2020, Mobile No.8860158542, email :**

gakansha58@gmail.com, Chamber No. 72, Civil Wing, Tis Hazari Courts, Delhi-110054 also Office at : 14/3-A, (2nd Floor), Jamna Bhawan, Asaf Ali Road, New Delhi-110002 is appointed as Local Commissioner, in the present matter, who shall visit the above site/suit property on any convenient day but only during the day time and preferably around 11.00am and shall inspect the above suit property for the purpose of effective partition in respect of the share of the plaintiff, by metes and bounds. Ld. Local Commissioner shall visit the suit property along with the applicant/plaintiff/Counsel, who shall provide him a certified copy of the site plan i.e., Ex.PW1/3 along with the certified copy of the Order, dated 01.11.2023, in the matter in advance. Further, she shall also abide with following directions:-

- a). The Ld. Local Commissioner shall prepare a rough site plan of the property to be partitioned by metes and bounds and shall also record necessary measurements in this regard, for effecting partition by metes and bounds in the matter.
- b). The Ld. Local Commissioner shall serve a written notice to the parties found present on the spot before commencement of the Commission Proceedings.
- c). The entire process of the commission shall be photographed and videographed as per feasibility and convenience at the expense of applicant/plaintiff and same shall be filed in the Court in a pen drive along with Certificate under Section 65-B of Indian Evidence Act, by the Ld. LC along with her report, in the Court, on or before the NDOH.

d). Ld. L.C shall assess the factual scenario for the purpose of partition by metes and bounds, including the obstruction, if any, caused by anyone, at or around the suit property during commission carried out.

e). In case if any obstruction or unlawful hindrance in the process of commission, to be carried out in property, Ld. L.C may seek police assistance by calling / informing the concerned SHO/DCP, if any, for due execution of the Commission.

f). Fee of Local Commissioner is fixed to be Rs. 20,000/-, (Rupees Twenty Thousand only), inclusive of all expenses. Plaintiff/applicant is directed to pay the fees of Ld. Local Commissioner at the earliest i.e. before execution of commission by cheque, demand draft, pay order or any other convenient mode.

Plaintiff/applicant is directed to be present and co-operate and assist the Local Commissioner in execution of the commission.

List the matter before this Court for awaiting the report of Ld. Local Commissioner on **24.04.2025**.

Notice be also issued to the Ld. LC, on PF, for information and Compliance of the Order. Steps within a week.

Copy of Order be also given dasti to the plaintiff/applicant.

(Sanatan Prasad)
District Judge-02 (East)
Karkardooma Courts/Delhi/07.02.2025