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CS No. 2539/16

RAJNI KAKKAR@MUNNA Vs. GURBACHAN SINGH AND
ORS.

CNR No. DLET010044432016

01.08.2026

Present : Sh. Rajeev Kapoor, Sh. Ashish Choudhary, Ms.
Shalini Rawat, Ld. Counsel for the plaintiff
alongwith plaintiff.
Sh. Neeraj Sood, Ld. Counsel for the defendant no.
1 and 2 alongwith GPA Holder/ Sh. Kuldeep Singh.

Reply has been filed on behalf of defendants no. 1
and 2 to the proposal of plaintiff seeking partition by metes and
bounds alongwith copy of order dated 10.07.2026 passed in RFA
No. 514/2026 by Hon'ble High Court of Delhi and site plan

The present suit has been filed by the plaintiff
seeking partition, possession, declaration and permanent
injunction against the defendants in respect suit property bearing
no. 254-A, Gali No. 4, Saraswati Bhandar Colony, Gandhi
Nagar, Delhi-110031. A preliminary decree dated 08.12.2025
was passed in the present suit, as per which the plaintiff is
entitled to 1/4th (one-fourth) share in the suit property and
defendant no(s). 1 & 2 are entitled to 3/8th (three-eighths) share
each in the suit property.

Ld. counsel for the plaintiff submits that a Local
Commissioner be appointed to suggest the mode of partition of
the suit property by metes and bounds as per the share of the
parties declared by the preliminary decree dated 08.12.2015.

Submissions heard. Record perused.

Considering the facts and circumstances of the present case, this court is of considered opinion that a Local Commissioner should be appointed to determine whether the suit property can be divided by metes and bounds.

Accordingly, **Sh. Manoj Kumar, Advocate, Enrollment No. D/184/2014, Mobile No. 9310666128, Seat No. F-71, First Floor, F Block, Karkardooma Courts Complex, Delhi-110032** is appointed as the Local Commissioner, who is directed to issue notice to the concerned parties as to his visit to the suit property for the execution of the commission. The Ld. Local Commissioner would visit the suit property on the date fixed during day time with prior notice to all concerned to assess the feasibility of the partition of the suit property by metes and bounds.

The LC shall take photographs of the entire suit property from different angles and the whole proceedings shall be videographed at the expense of the plaintiff, conducted under the active direction of Ld. Local Commissioner.

The Ld. Local Commissioner shall take into consideration the common convenience e.g., staircase, common parking, etc. at the time of assessing the feasibility of the partition of the suit property and can also take assistance of the Draughtsman for preparation of the site plan clearly indicating therein as to the manner in which the suit property can be

partitioned among the parties to the litigation as per the rights ascertained by the preliminary decree.

The fees of the Ld. Local Commissioner is assessed at Rs. 20,000/- excluding his traveling expenses to be paid by the plaintiff. Plaintiff shall also supply the Ld. Local Commissioner a copy of the preliminary decree, site plan annexed with the plaint etc.

Report by the Ld. Local Commissioner to be submitted on or before NDOH. Any extra expenses incurred by the Local Commissioner e.g. for photography, Draughtsman, etc. shall also be borne by the plaintiff.

Ld. Local Commissioner may also seek Police Aid from the concerned SHO if required after furnishing a duly authenticated copy of this order, who shall cooperate with Ld. Local Commissioner, in case Police Aid is sought by the Ld. Local Commissioner.

Copy of the order be given dasti to the Ld. Local Commissioner as well as to both the parties.

Put up for filing report by Ld. Local Commissioner/ further proceedings on **10.09.2026**.

(GAURAV GUPTA)
DJ-06, EAST/ KKD COURTS
DELHI/01.08.2026 R