

27.06.2025

Pr. Sh. Ashutosh Mishra, Id. Counsel with plaintiff.

Sh. Tarun Kumar, the defendant No.1, in person.

Sh. Ramesh Singh, Id. Counsel with Sh. Anil Kumar, the defendant No.2.

A court fees of Rs.9,200/- is being filed by the defendant No.2 as the defendant No.1 present states that he cannot furnish the requisite court fees as being not in position to afford the same.

The court fees is taken on record and the same shall be accountable towards the defendant No.1 when the final decree shall be passed in due course and in accordance with law.

At this stage, an application under Order XXVI, Rule 9, R/W Sec. 151, CPC filed on behalf of one of the decree holder/plaintiff Ms. Saroja Bala, seeking appointment of the Local Commissioner, for partition of the suit property by metes and bounds, and the same has been taken up today without e-filing as the Ld. Counsel for the plaintiff/DH submits that the e-filing site is not functioning properly during Vacation.

The perusal of the record shows that vide judgment, dated 27.01.2025, the suit was decreed qua the relief of partition in respect of the suit property **bearing No. 26, 2nd Floor, Gali No.1, Dayanand Block, Shakarpur, Delhi-110092**, more particularly, shown in green 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 Mr. G.P. Dubey, Advocate, Enrollment

No.D-1768/02, Mobile No.9810788538/9899221700, email : gpadvocate@gmail.com, Chamber No.G-701, Block G, 7thFloor, Karkardooma Courts Complex, Shahdara, Delhi-110032 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 parties, 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.PW1/1 along with the certified copy of the Order, dated 27.01.2025, in the matter in advance. Further, he 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 as identified by the plaintiff 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 his 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 the commission proceedings carried out.

e). In case if any obstruction or unlawful hindrance in the process of the execution of the 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, payorder or any other convenient mode. Plaintiff/applicant is directed to be present also identify the suit property 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 01.08.2025. Notice be also issued to the Ld. LC, on PF, for information and Compliance of the Order.

Steps within 15 days. Copy of Order be also given dasti to the plaintiff/applicant.

(Sanatan Prasad)
District Judge-02 (East),
Karkardooa Courts/27.06.2025