

SUBHASH CHANDER BHATIA Vs. SMT. NEELAM BHATIA ETC.

19.12.2024

Present: Shri J.M. Mittal, ld. Counsel for plaintiff.
Shri Rahuj Rajeev, ld. Counsel for defendants.
Defendant no.5 Shri Vishal Bhatia in person.

It is submitted by ld. Counsel for parties that an appeal is pending before the Hon'ble High Court of Delhi, however there is no stay granted by Hon'ble High Court of Delhi in the appeal.

Ld. Counsel for plaintiff further submitted that preliminary decree has already been passed for partition of the suit property and the same has not been partitioned by the parties so far. He has further submitted that LC may kindly be appointed to inspect the suit property i.e. bearing No. 232, New Layalpur, Delhi-110051, for the purposes of partition.

Ld. Counsel for defendants has not opposed the same.

Heard. Record perused and considered.

Vide order dated 30.01.2024, preliminary decree has been passed in the present matter for partition of the suit property by metes and bounds, however, the said property has still not been partitioned. Plaintiff wants to appoint the Local commissioner to inspect the suit property.

In view of the above, facts and circumstances of the case, it is a fit and appropriate that a local commissioner be appointed to inspect the suit property for the purposes of partition of the same. Therefore, Mr. Akash Gutpa,

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Advocate, E.No. D/7386/22 (Mob. No.9999384510, Chamber No. 507, 5th Floor, KKD Court, Email: guptakash27@gmail.com) is hereby appointed as Local Commissioner to inspect the suit property in this matter for the same.

The Local Commissioner shall visit the suit property to inspect the same as per law on 13.01.2025 and file report on NDOH. The fees of the Local Commissioner is quantified as Rs. 20,000/- which shall borne by plaintiff.

Plaintiff is also directed that he shall also bear the expenses of photographer and architecture on his own.

The Local Commissioner is also directed to thoroughly examine the properties in question and give proposals suggesting the manner, ways, mode and possibilities of division/partition of the properties in question through which the properties in question can be feasibly partitioned/divided among plaintiff and defendants. It is made clear that if the suit properties are not found suitable for division by metes and bounds, then the Local Commissioner should file the proposals suggesting the manner and way through which the properties in question can be feasibly partitioned/divided among plaintiff and defendants. It is made clear that if the suit properties are not found suitable for division by metes and bounds, then the LC should file the proposals suggesting the manner and way through which the properties in question can be partitioned among the parties. LC is also directed to measure the suit properties and file the site plan of the suit properties with proper measurements and dimensions. LC is also directed to take proposals from the parties, during inspection. LC is also directed to take

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photographs of the properties in question and prepare site plans, if required. LC is also directed to file the market value of the properties in question and LC is at liberty to take assistance of registered valuer, if required.

Plaintiff as well as defendants are directed to co-operate the Local Commissioner.

Put up for further proceeding on 05.02.2025.

(Pooja Jain)
District Judge-03/NB
East/KKD Courts/Delhi
19.12.2024