

29

CS No. 2652/16

SUNDER KR.VERMA Vs. VARUN NARULA

15.01.2026

Present : None for the plaintiff.
 Sh. Jatin Seth, Ld. Counsel for the defendant no. 1
 (through VC).
 Sh. Sanjeev Sharma, Ld. counsel for defendant no. 2
 (through VC).

1. Matter is fixed for order on application under Order XXVI Rule 10A of CPC.
2. Arguments on the aforesaid application have already been advanced by Ld. Counsel for the parties.
3. The instant application has been moved on behalf of the plaintiff, and it is averred on behalf of the plaintiff that the main controversy involved in the present suit is whether the suit property bearing no. B-99, New Ashok Nagar, Village-Chilla, Saroda Bangar, Delhi-110096, measuring 200 sq. yds. falls in khasra no. 391/263 or in khasra no. 396/263. The said finding can be given by the concerned Patwari/Tehsildar, and therefore, it is prayed that the concerned Patwari/Tehsildar be appointed as a local commission to ascertain in which khasra number the suit property falls.
4. Defendant no. 2 vehemently opposed the present application by filing a reply, and it is submitted that the plaintiff has no right, title, or interest in the suit property. It is further submitted that as per the statement of the concerned Kanoongo as

recorded before the court on 12.01.2023, the possession of the land of khasra no. 391/263 and 396/264 has been taken over by the government vide proceedings/jamabandi for the year 1984-85. Therefore, the land of the property in question ceased to be revenue land and the Patwari/Tehsildar cannot ascertain in which khasra number (whether in khasra no. 391/263 or 396/263) the suit property is situated.

5. Submission heard and record perused.

6. It is the contention of the plaintiff that defendant no. 2 is in possession of the suit property bearing no. B-99, village-Chilla, Sarod Bangar, New Ashok Nagar, Delhi-110096, measuring 200 sq. yds. falling in khasra no. 391/263. Per contra, it is the contention of defendant no. 2 that the property bearing no. B-99 is in khasra no. 396/263, New Ashok Nagar in Village Chilla Saroda Bangar, Illaqa Shahdara; and the property in possession of defendant no. 2, which is not the suit property, as it falls in a different khasra number, i.e. khasra no. 396/263. The court, vide order dated 19.09.2017, has already framed Issue no. 2 in view of the parties' contentions regarding the identity of the piece of land pertaining to the suit property.

7. In these circumstances, without demarcation, it cannot be decided as to whether the suit property falls under khasra no. 391/263 or khasra no. 396/263, Village Chilla Saroda Bangar, Delhi. Therefore, court deems it appropriate to direct the SDM concerned to get the property in question demarcated as per the Rules and file its report on or before the next date of hearing.

8. Parties to the suit are directed to render all the assistance to the concerned official for the purposes of demarcation. Let the copy of the document concerning the identity of the property, as well as the documents relied upon by the parties in support of their respective claim over the suit property and the site plan, be provided to the concerned SDM by the parties concerned for ensuring the demarcation of the land in question.
9. The plaintiff shall bear all the expenses for the purpose of demarcation of the property in question.
10. In terms of the aforesaid observation, **the application under Order XXVI Rule 10A of CPC filed on behalf of the plaintiff stands allowed.**
11. Let the report of SDM regarding demarcation of the property in question be filed on or before NDOH.
12. PW-1/Sh. Sunder Kumar Verma is also directed to present before the court on NDOH for his cross-examination.
13. Put up for filing of report by concerned SDM / cross-examination of PW-1/PE on **20.02.2026**.

Copy of the order be given Dasti of parties.

(SOMITRA KUMAR)
DJ-06, EAST/ KKD COURTS
DELHI/15.01.2026 ^(R)