

08.04.2026

Present: Ld. Counsel for plaintiff with plaintiff.
Mr. Tushar Malhotra and Mr. Dharmendra Kumar,
Ld. Counsel for defendants.

IA 2/26 (defendants' application U/O XXVI Rule 9 CPC)

1. Defendants want appointment of local commissioner to find out as to whether plaintiff has actual and physical possession of the suit property. This suit is essentially a suit for partition wherein plaintiff and predecessor in interest of the defendants (late Mohd. Shaukeen) are stated to hold joint title documents.
2. Thus, the question of actual physical possession of the suit property is not the real dispute between the parties and thus, appointment of any local commissioner would not serve any purpose in this case. Accordingly, application is dismissed.

IA 3/26 (defendants' application to bring on record certain documents).

3. Copy supplied. Arguments heard.
4. On oral request, the present application is treated to have been filed U/O VIII Rule 1A CPC.
5. Plaintiff does not object to the present application and matter is at an initial stage. Considering the same, application is allowed.
6. Documents filed with the application are taken on record. Application is disposed off.

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7. Arguments in terms of order dated 14.01.2026 heard. Written synopsis/arguments filed by either parties are taken on record. Copies exchanged.
8. List for orders on 11.04.2026.

Aashish Gupta
DJ-01/NE/KKD/DELHI
08.04.2026