

CS/260/2022
DLNE010034472022
SITARA
Vs.
SAHIB AND ORS

07.09.2026

Present: Sh. Jitendra Kumar, Ld. counsel for plaintiff.
Sh. Pratap Paliwal, Ld. counsel for D-1 to D-4 and D-8 to
D-11 through VC.
Other defendant(s) ex-parte.

1. *Inter alia*, a preliminary decree of partition in this matter has been passed vide judgment and decree dated 21.05.2026.
2. Plaintiff has filed her affidavit proposing manner of division of two properties in question. Copy supplied.
3. D-1 to D-4 and D-8 to D-11 have filed joint affidavit proposing that they are willing to consider purchase of plaintiff's share in the suit properties. Copy supplied.
4. A separate affidavit has also been filed by D-1, D-4 and D-8 stated to be in terms of order dated 21.05.2026 giving details of rent realized from property no. 2 for rendition of accounts. Copy supplied. Documents accompanying the said affidavit also supplied.
5. There are two properties involved in *lis* in this case and from the site plan filed on record, the measurements of the same are not clear. The said site plans are not made to scale.
6. Thus, before proceeding further in the matter, parties agreed that a local commissioner be appointed to visit the suit properties who shall then cause it to be measured and a site plan be prepared with the help of a draughtsman.
7. Thus, with the consent of parties, **Ms. Priyanka Marwah, Advocate**

(Enrolment no. D/1380/2013), Chamber no. 680, FF, Western Wing, Tis Hazari Court, Delhi-54, Mobile No. 9654509519, is appointed as local commissioner to carry out inspection of the suit properties detailed below:

Property No. 1: H. No. C-41/15, Out of Khasra No. 139/2, Gali No. 9, North Ghonda, Near Jama Masjid, situated at Village Ghonda Gujran Bangar, Illaqa known as Shahdara, Delhi-110053 measuring 100 square yards (i.e. build up property); and

Property No. 2: C-41/18, Out of Khasra No. 142/2, Gali No. 10, North Ghonda, Near Jama Masjid, situated at Village Ghonda Gujran Bangar, Illaqa known as Shahdara, Delhi-110053 measuring 120 square yards.

8. The LC shall get the property measured with the help of a draughtsman and shall also get a proper site plan (made to scale). The site plan shall indicate the actual position qua area of property as well as construction thereof. The LC is at liberty to take police help from the concerned police station for carrying out the said inspection, if required.
9. The LC shall also report how many shops in property no. 2 are being occupied by tenants, the details of the said tenants and the period of tenancy along with rent being paid. Copies of any rent agreements may also be obtained from the persons found occupying the said property/shops located therein.
10. Copies of the affidavit filed by D-1, D-4 and D-8 along with rent agreements (with the said documents filed in court today) shall also be supplied to the Ld. local commissioner by the said parties. I am told that a large number of shops exists in property no. 2. Thus, for easy identification, the LC shall get liberty to number the said shops in the site plan to be filed.

11. The local commissioner shall carry out the local inspection of the site i.e. suit properties on 13.09.2026 at 12:00 PM. SHO concerned is directed to be personally present for carrying out of inspection along with lady police and if necessary, any obstruction/lock/gate be removed for carrying out the inspection of property. In case the SHO fails to provide necessary assistance, he shall remain physically present in court on NDOH.
12. The fee of the local commissioner is fixed at Rs.60,000/- to be shared equally by parties. The said fees shall be paid in advance. In case the fee is not paid by either of the parties (as per their share), the same may be paid in full by the other to the local commissioner who can then recover it from the other side, as per law.
13. The fee of the draughtsman shall be paid separately by the parties as per actuals. Let the report of local commissioner along with the site plan to be prepared be filed in court on 03.10.2026.
14. Parties are expected to assist the local commissioner in the carrying out of commission and they or their counsels can remain present during the inspection.
15. Let copy of this order be given dasti to the parties and also to the ld. local commissioner. Copy of this order be also sent to SHO concerned for information and necessary compliance.

AASHISH GUPTA
DJ-01/NE/KKD/DELHI
07.09.2026