

CS 327/18

GEETA VERMA Vs. VIRENDER KUMAR VERMA

16.04.2026

Present: Mr. S.K.Verma and Ms. Pooja Chadha, Ld. Counsel for plaintiff with plaintiff.
Ld. Counsel for D-1 to D-3.
Ms.Priyanka Agarwal, Ld. Counsel for LRs of D-4 with Ms. Garima Jain, Advocate.
Mr. R.P. Singh, Ld. Counsel for D-5.

1. Counsel for D-1 to D-3 has moved an application *inter alia* praying for deciding an application dated 12.08.2025 wherein a prayer for allowing repair of property No. 1 i.e. A-201, Gali No. 9, South Gamri, Delhi. In the same application, he wants the direction to plaintiff to pay cost imposed vide order dated 23.01.2026 and a stay to the present proceedings as D-1 to D-3 wants to challenge judgment and decree dated 17.03.2026.
2. Since the suit has been decided vide judgment dated 17.03.2026 and only the point of drawing up of a final decree remains for consideration, no direction can be given to permit D-1 to D-3 to repair any property which is subject matter of partition. As per the judgment, all the parties are having share in the property sought to be repaired and thus, it is the responsibility of all parties to maintain the said property as per law.
3. Thus, the application dated 12.08.2025 has become infructuous and it is disposed off.
4. It is clarified that any other pending application in this suit have also become infructuous and are disposed off.

5. With respect to payment of cost, D-1 to D-3 are at liberty to seek remedy of execution as per law.
6. Again, only because D-1 to D-3 wants to prefer an appeal against the judgment dated 17.03.2026 cannot be a ground to stay proceedings of drawing up of a final decree. Thus, the application is misconceived. It is dismissed.
7. None of the parties have given any affidavit indicating the manner in which the suit properties can be divided by metes and bounds. They have also not filed anything on record to indicate whether they are willing to purchase the *inter se* share of each other. Parties are not even agreeable to appointment of any LC as each one of them claims that the other should pay the fees of LC.
8. Thus, on one hand each of the parties are entitled to share in the properties involved herein and want a piece of the pie, but none of them are willing to shell out any money for appointment of an LC who may indicate the manner in which the suit properties can be partitioned.
9. In my humble opinion, for suggesting the actual mode of partition, it is fit and appropriate that a Local Commissioner visits the suit properties and suggests a mode of partition.
10. Thus, **Sh. Ashish Kr. Bhagat**, Enrl. No. D/1974/2009, mobile No. 9891110523, email: ashish.kr.bhagat@gmail.com, Off at: 186, Supreme Enclave, Mayur Vihar, Phase-1, Delhi-110091 is appointed as Local Commissioner to carry out the inspection of the following suit properties:-

Property-1:

A-201, Gali no. 9, South Gamri, Delhi.

Property-2:

A-227, Gali no.10, South Gamri, Delhi.

Property-3:

A-228/1, Gali no. 10, South Gamri, Delhi.

11.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. He is at liberty to take police help from the concerned police station for carrying out the said inspection, if required.

12.The Local Commissioner shall carry out the local inspection of the suit properties detailed above on 09.05.2026 at 12:00 noon.

SHO concerned is directed to be personally present for carrying out of inspection alongwith 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.

13.The fee of the Local Commissioner is fixed at Rs.1,00,000/- (Rs. One Lac Only) to be shared equally by parties. 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. The fee shall be paid in advance to the Ld. Local Commissioner.

14.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 **02.06.2026**.

15.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.

16.Copy of report of LC and map(s) shall also be supplied to parties by LC.

17.Let SDM also file his report qua valuation of each of the properties.

18.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
16.04.2026