

CS No. 809/17

Vijay Pal Singh @ Jai Pal Singh & Ors.

Vs.

Harpal Rana @ Gullu & Ors.

17.02.2023

Present: Mr. Amit Bhardwaj, Ld. Counsel for the plaintiffs
alongwith plaintiff no. in person.

Mr. Vineet Rana, Ld. Counsel for the defendants.

Report of Ld. Local Commissioner filed. The same is taken
on record.

Ld. Counsel for the plaintiffs submit that the defendants did
not cooperate with the Ld. Local Commissioner, as they chose not to
appear and hand over the keys of the suit property belonging to Late Sh.
Rajinder S/o Sh. Narain Singh. He submits that in his application under
Order XXVI Rule 9 CPC, he has specifically prayed for the directions
from this court that the Ld. Local Commissioner be permitted to enter
into the suit property in the presence of parties by removing the lock. He
submits that this court vide its order dated 20.01.2023, had not directed
the Ld. Local Commissioner to enter the premises by removing the lock
in presence of the parties.

At this stage, Ld. Counsel for the defendants submits that
the keys of the suit property is with defendant no. 2, namely, Mr. Hemant
Rana who is residing at Dehradoon. It is stated that 10 days time be
granted so that he can come with the keys for the purpose of inspection
by the Ld. Local Commissioner.

Heard.

Cont.....

In view of the aforesaid submissions and to meet the end of justice, **the Local Commissioner, namely, Mr. Amit Kumar** is hereby once again appointed for submitting a report regarding the actual status of entire old Haveli, inventory of all movable items at the suit property **i.e. one room on the ground floor and two rooms, verandah, bathroom, kitchen, toilet etc. in the old Haveli Complex of Late Sh. Narain Singh, situated in Village-Kadipur, Delhi-110036**, status of construction and if, any new construction is found, possession of parties at different portions of Haveli alongwith photographs on **28.02.2023 at 3:00 PM**. The Ld. Local Commissioner be informed on his mobile number **9953338021**. **The fees of Local Commissioner is fixed at Rs.10,000/- which shall be paid by the defendants against receipt duly issued by the Local Commissioner.** The plaintiffs and defendants are directed to be present for the inspection of the Old Haveli on **28.02.2023 at 03:00 PM**.

If, the defendants do not cooperate or are not present, at the time of inspection with the keys, the Ld. Local Commissioner is at liberty to break open the lock and carry out the inspection. If, the lock is break open, then, a fresh lock shall be put on the suit property, keys of which shall be deposited in the court.

Be put up for filing of report of Ld. Local Commissioner on **12.04.2023**.

Shivali Bansal
ADJ-03, Rohini Courts
North District, Delhi
17.02.2023