

CS DJ 400/20
SUDHA SHARMA Vs. OMI CHAND (SINCE DECEASED THR. HISLEGAL
HEIRS

11.05.2023

Present: Plaintiff in person.

Ms.Anjum Adv. Ld. Proxy counsel for defendant.

No PW is present.

No affidavit is filed.

Put up for PE on **05.10.2023**.

(Munish Markan)
ADJ-02(SE)/District Courts, Saket,
New Delhi/11.05.2023

11.30p.m.

At this stage, after the matter is taken up Sh.Nitin Arora Adv. (M.No.9711843344, 9711853344) email: nitinarora0333@gmail.com Ld. Counsel for plaintiff and Ms.Anjum Adv. (9716951361, 989948089, email: adv.anjumsiddiqui25@gmail.com, adv.amitkr@rediffmail.com Ld. Counsel for defendant appear.

An application is moved by the plaintiff u/s 151 CPC to direct the defendant to comply the order dated 20.01.2023. Seen the order dated 20.01.2023.

On being enquired, Ld. Counsel for defendant (after seeking instructions from the defendant telephonically after taking a passover) submits that defendants are not in possession of the suit property bearing Flat No.A-32, First Floor, DDA Slum Quarter, Garhi, New Delhi – 65.

Ld. Counsel for plaintiff prays for appointment of a Local Commissioner to ascertain the status of the possession of the suit property submitting that the defendants don't permit the

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plaintiff to occupy the suit property despite the fact that defendant admit that defendant is not in possession thereof.

Therefore, in view of the same, *Sh. Kartik Kaushal Adv. Enrll. D/5841/2019 mob: 9711035315 email: kartik.kaushal0094@gmail.com* is appointed as Local Commissioner with following terms of reference:

1. Local Commissioner shall visit the suit property within one week and ascertain as to who is in possession of the suit property, after giving notice to both the parties.
2. LC shall also note down the name and number of persons in occupation of the suit property and will also ascertain in what capacity the occupants are occupying the same.
3. Local Commissioner shall take photographs of the exterior and interior of the property, if required and file the report within a period of one month.
4. Fees of the Local Commissioner is fixed at Rs.25,000/- to be paid by the plaintiff only. All the incidental charges shall also be borne by the plaintiff.

Copy of this order be given dasti and be also sent through emails, to LC as well. Previous costs not paid by the defendant. Be paid positively by next date.

Put up on the date already fixed i.e. **05.10.2023.**

(Munish Markan)
ADJ-02(SE)/District Courts, Saket,
New Delhi/11.05.2023