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CS DJ-325/22
AMBIKA KAPUR Vs. ARVIND KUMAR BAJPA

11.07.2022

Present : Sh. Piyush Gupta and Ms. Tannya Raheja Counsel for plaintiff.
Sh. Diwakar Kumar, counsel for defendants no.1 to 3.

Memorandum of Appearance filed on behalf of defendants no.1 to 3.

Counsel for defendants no.1 to 3 seeks some more time to file vakalatnama. Let the same be filed positively.

It is submitted by counsel for defendant that he has sent email to the opposite counsel yesterday about non-receipt of entire set of plaint and document, in response to which entire set of the same to the satisfaction of the counsel for defendant has been received on 22.06.2022.

WS be filed within stipulated period with advance copy to the opposite side.

Reply to the application under Order XXXIX Rules 1 & 2 CPC be filed on behalf of defendants with copy to the opposite side.

There is an application under Order XXVI Rule 9 read with Section 151 CPC for appointment of Local Commissioner seeking inspection of premises bearing No.K-8 B, 2nd Floor, Lajpat Nagar-2, New Delhi-24 filed on behalf of plaintiff.

It is submitted by counsel for plaintiff that there is constant leakage and water penetration in ceiling of the suit property which has been severely damaging the property of plaintiff and it has developed cracks in the plaster thereby ruining the entire renovated ceiling and wall. The leakage through ceiling has worsened to such an extent that water has started dripping from the ceiling. It is requested that Local Commissioner may be appointed to inspect and ascertain the exact situation of the suit property as on date.

Counsel for defendants no.1 to 3 has conceded to request subject to plaintiff bearing expenses of the Local Commissioner.

Submissions heard. Application perused.

Considering the submissions, application under Order XXVI Rule 9 read with Section 151 CPC is allowed and Ms. Himani Aggarwal is appointed as Local Commissioner to inspect the suit property bearing No.K-8 B, 2nd Floor, Lajpat Nagar-2, New Delhi-24 and to file report detailing the actual situation of the water leakage / seepage, if any. The Local Commissioner shall photograph and also make video during the course of inspection and file the same on record along with report. The expenses of photography and videography shall be borne by plaintiff. The fee of Local Commissioner at Rs.10000/- which shall be paid by the plaintiff under acknowledgment of the Local Commissioner.

Put up for completion of pleadings and arguments on the aforesaid application **on 06.10.2022.**

(Shelly Arora)
ADJ-01 (South East) Saket Court
New Delhi/11.07.2022 (vg)