

AFSAR ALI Vs. AKHTARI AND ORS.

23.03.2026

Present: Sh. Vivekanand Rana, Ld. Counsel for the plaintiff.
Sh. Amir Ali, Ld. Proxy Counsel for the defendant no.2 alongwith defendant no.2.
None for other defendants.

Fresh vakalatnama filed on behalf of plaintiff. Same is taken on record.

Defendant no.2 submits that he is residing at Property no.1/52, Gali No.6, Maujpur, Delhi – 53 and not at the suit property.

It is stated by defendant no.2 that the suit property has already been sold to a third party and the defendants are also not residing in the suit property as alleged by the plaintiff in the instant suit. However, it is stated by defendant no.2 that he does not possess any documents w.r.t. the sale of the suit property by the defendant no.1/ mother in favour of the third party.

At this stage, both the parties i.e. plaintiff and defendant no.2 submit that a Local Commissioner may be appointed by this Court at the joint expenses of both the parties for visiting the suit property and ascertaining as to who is residing at present in the suit property, in what capacity and what sale documents have been executed by the defendant no.1/ mother in favour of the said third party.

In view of the same, this Court deems it fit to appoint **Advocate Sh. Harshit Luthra, Enrollment no.D-8084/2021, Chamber at 226, Western Wing, Tis Hazari Courts, Delhi, Mobile no.8585929292** as Ld. Local Commissioner and is directed to visit the suit property bearing

no.M-50, Bajrang Bali Mohalla, Gali No.6, Maujpur, Delhi – 53 measuring 35 sq. yards, in presence of both the parties by giving them advance notice and to verify with respect to the fact as to who is in possession of the suit property, in what capacity and what sale documents have been executed by the defendant no.1/ mother in favour of the said third party, vis-a-vis the competing claims of both the parties as stated hereinabove.

Fees:- Remuneration fee of the Ld. Local Commissioner is fixed for Rs.50,000/- and the same is to be borne by the plaintiff and defendant no.2 jointly at their own cost i.e. Rs.25,000/- each to be paid to Ld. Local Commissioner before the initiation of the proceedings.

Put up for filing of report by Ld. LC/ further proceedings on **01.06.2026**.

Copy of this order be given dasti to the Ld. Local Commissioner as well as to the Ld. Counsels of both the parties.

(Ankur Jain-II)
DJ-02, SHD District
KKD/Delhi 23.03.2026