

CS no.6119/16
Jile Singh & Anr. Vs. DDA & Ors.

31.08.2018

Present: Plaintiff no.2 in person with Ld. Counsel.

Ms. Promila Kapoor, Adv. Ld. Counsel for defendants.

Arguments heard on the application of plaintiff under O.26 R.9 CPC for getting demarcation done.

The plaintiffs have filed the present suit, inter-alia, seeking declaration to the effect that they are the owners of the property bearing no.97 E, Khirki Village, New Delhi admeasuring 75 sq. yds. which is claimed to be part of Khasra no.78.

On the other hand, Ld. Counsel for defendants submits that the suit property is part of Khasra no.798 and 799. Though both the Ld. Counsels agreed with the requirement of ascertaining of the Khasra number which can be done by demarcation only. However, Ld. Counsel for defendant opposes the application submitting plaintiffs have liberty to approach the concerned authorities for demarcation.

On the other hand, Ld. Counsel for plaintiff submits that unless orders are passed by this court, there is no likelihood that the demarcation shall be carried out by the concerned authorities.

Considering the fact that the demarcation of the suit property goes to be the root of the matter and will be required to ascertain the fact in issue and for proper determination of the rights of the parties, therefore, SDM Hauz Khas is directed to get the demarcation of the suit property done on payment of requisite charges by the plaintiff. The representatives of both the parties may join the proceedings. SDM is directed to file the report within 2 months positively. Copy of this order be sent to the SDM Hauz Khas and also given dasti to both the parties to enable them to approach the SDM. **The application is disposed off.**

Put up for further proceedings on **01.12.2018.**

(Munish Markan)
ADJ-01 (South)
District Courts, Saket
New Delhi/31.08.2018