

04.06.2026

Present: Ld. counsel for DH.  
SPA holder of JD is present in person.  
LC is present in person.

Vide order dated 16.03.2026, this court had noted the conduct of the DH because of which the LC visited wrong property under the order dated 14.11.2025. The order dated 16.03.2026 is quoted for ease of reference:-

*Ld. Counsel for DH submits that there was some typographical error in the original judgment and decree passed by the Trial Court.*

*The present execution petition was filed alongwith the said copy of the original judgment and decree. It was subsequently, on 04.04.2024, an application for correction was allowed by the Trial Court correcting the address of the suit property in the judgment and decree.*

*Thereafter, in the present pending execution petition, the said corrected judgment was filed. However, on the date when the Local Commissioner was appointed by the court i.e., 14.11.2025, the corrected judgment and decree was not brought to the notice of the court by both the sides. The Decree Holder should have waited for the correction before filing the execution.*

*Be that as it may, the Local Commissioner went to the wrong address, which was mentioned in the original judgment and decree filed. Therefore, Local Commissioner is requested to once again execute the commission, albeit, at the address i.e., RZD-80, Khasra No.84/7/2, Village Palam, now known as Mahavir Enclave, New Delhi. The error could have been brought to the notice of the court, immediately.*

*In these circumstances, the fees of the Local Commissioner for the visit shall be borne by the DH. However, the same shall form part of the costs of the proceedings and whichever party is successful, would be entitled to receive the same from the other side.*

*Since the Local Commissioner was appointed, but the commission was not executed on the last date, the Local Commissioner is requested to execute the commission at a fees of Rs.8,000/- only.*

*Copy of order be given dasti for communicating to the Local Commissioner.*

Thereafter, on opposition of DH, the court took a view that since the counsel for the DH was raising objection to the visit of the LC, the court will visit the property. The directions to the LC were never withdrawn expressly nor the LC was informed. Then on the LDOH i.e. 13.05.2026, when the court once again proposed that this court ought to visit the suit property, Ld. counsel for the DH informed the court that LC has already executed the commission and he started relying upon the report of the LC.

In these circumstances, the court passed the order once again asking the DH to pay the fees of the LC. Order dated 13.05.2026 is quoted for ease of reference:-

*Since the LC has visited and DH has not opposed the visit of the LC and rather is now relying upon the report, the fees of Rs.8000/- be paid by him. Let fees of LC be paid so that the matter may proceed further.*

Today again, it has been informed that fees of the LC has not been paid.

In these circumstances, the present execution petition is dismissed for want of prosecution as the DH has failed to comply with the directions to pay the fees of the LC.

File be consigned to record room.

**(HARJYOT SINGH BHALLA)**  
**DJ-03, SOUTH-WEST, DWARKA**  
**NEW DELHI/04.06.2026**