

30.04.2025

Present: Mr. Anuj Arora, Ld. Counsel for Appellant.
Mr. Vaibhav Sinha, Ld. Counsel for Respondents no. 1, 2
and 3.
Ms. Meenu Devi, Ld. Counsel for MCD.

Part arguments heard on the appeal.

At this stage, Ld. Counsel for Appellant has submitted that after the dismissal of the suit by the Ld. Trial Court, the Respondents have constructed a wall and as of now, the Appellant is not able to access her washroom and also has to climb a wall for leaving the house and all other means of ingress and egress have been blocked. It is submitted that interim relief may be granted.

Ld. Counsels for the parties submit that they have no objection if a Local Commissioner is appointed to ascertain the aforesaid facts.

Let the Local Commissioner be appointed and prepare the report on the aforesaid aspects. The Local Commissioner shall take photographs of the property of the Appellant as well as the Respondent and prepare the entire site plan of the said properties and the neighbouring properties with the boundations as they stand on the date of inspection. It shall be clearly indicated as to where the built up properties and walls are located. The Ld. LC shall also determine whether the ingress and egress of the Appellant from her house has been completely blocked and whether she can leave the house without an extraordinary amount of exertion and whether she can access the washroom as alleged by her.

The photographs shall be taken from all possible angles in order to clarify the position and assist the Court in arriving at a conclusion of the status of the properties as on date.

In view of the above, Ms. Neha Rai having chamber no. 266, Delhi High Court, LCB-I, Sher Shah Road, New Delhi-110001, contact no. 8595957580 is appointed as the Local Commissioner and her fees is fixed at Rs. 25,000/- to be paid jointly by the parties. Ld. LC shall file the requisite report within six weeks from today.

Concerned SHO is directed to give necessary police aid to the Ld. LC for carrying out the commission as aforesaid including lady police, if required.

Parties are directed not to obstruct the Ld. LC in carrying the aforesaid commission, failing which appropriate orders shall be passed as per law.

List for filing the report of LC and further proceedings on **14.07.2025**.

(DIVYANG THAKUR)
DJ-03/SOUTH-WEST
DWARKA/NEW DELHI
30.04.2025 (A)