

20.07.2026

Present: Sh. I.S. Dahiya, ld. counsel for the plaintiff alongwith plaintiff in person.
Sh. D.S. Paweriya and Sh. Nitin Tyagi , ld. counsel for the defendant alongwith defendant no. 3 in person.

Arguments heard on application filed u/o 26 rule 9 CPC.

Admittedly the said application was filed on 28.04.2016 by ld. counsel for the plaintiff and the said application was never pressed by ld. counsel for the plaintiff. This application has been pressed by ld. counsel for the plaintiff after conclusion of evidence of plaintiff as well as of defendant.

The said application has been filed for appointment of L.C to verify and confirm the location of the suit property.

The present suit has been filed by the plaintiff for seeking decree of the possession of the suit property as per description shown in site plan alongwith other reliefs.

Specific issue has also framed as to whether plaintiff is entitled for decree of possession of the suit property. By way of pressing of above said application, the plaintiff cannot now re-open his evidence.

At present, evidence of the parties have been concluded and now the case is at the stage of hearing final arguments, so this court does not find any merit in the application of the plaintiff for appointment of L.C for ascertain and verifying and confirm the

location of the suit property at the fag end of the suit and more specifically by considering the fact that the onus of proof is upon the plaintiff to prove that he is entitled for decree of possession of suit property, the details of which is shown in the site plan filed with the plaint. Accordingly application stands dismissed.

Ld. counsel for the plaintiff seeks an adjournment for addressing final arguments.

Both ld. counsels for parties are allowed to file brief written submissions by the next date of hearing by supplying advance copy to each other.

Put up for final arguments on 19.08.2026 at 12:00 Noon.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
20.07.2026