

CS No. 326/2026

Sanjay Kumar Tanwar & Anr. Vs. Manju Kumari & Anr.

31.07.2026

Present : Sh. Amit Kumar, Ld. Counsel for plaintiff.
Ms. Sofiya Rathor, Ld. Counsel for defendant.

An application under Order XXXIX Rule 4 r/w. Section 151 CPC was filed on behalf of defendant seeking setting aside the ex-parte order dated 10.07.2026. Copy has been received by Ld. Counsel for plaintiff.

Oral submissions have been made on behalf of plaintiff that the application is not maintainable and same is required to be dismissed, however, Ld. Counsel submits that he will file the detailed reply to the instant application.

Both Ld. Counsels have projected their position regarding the construction being carried out by the defendant. The plaintiff has submitted that defendant has carried out construction from first floor onwards towards the property of the plaintiff. However, the same is denied by defendant submitting that in order to protect the property of the plaintiff from the ground floor, some gap has been kept from the property and from the upper floors, the property is constructed strictly within the dimensions of the plot owned by the defendant. Since photographs have been filed, however, to have a clear understanding the nature of the construction being carried out by the defendant with regard to the property of the plaintiff, it is deemed necessary that assistance of Ld. LC is required by way of

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physical inspection of the suit property. Accordingly, **Ms. Shaila Parveen**, Ld. Counsel, Enrl. No. D-4127/2016, Ph.No. 8375089297, 8920316058, Chamber No. B-86, BGS Block, Tis Hazari Courts, Delhi-110054, is hereby appointed as Ld. LC. Ld. LC to physically inspect the suit property by due notice to both the parties through their Ld. Counsels at an early convenient date and file her report regarding the construction which has been carried out by the defendant as to whether the same is within its property dimensions from the ground floor to upper floors. The fees of Ld. LC is to be borne by both the parties equally which is fixed at Rs.50,000/-. It is impressed upon Ld. LC to conduct the inspection within a week preferably and file the report on or before next date of hearing.

Reader to intimate the Ld. LC regarding the order of the Court.

Be put up on **17.08.2026** for report of Ld. LC.

Copy of this order be given dasti to the parties.

(Dr. Pankaj Sharma)
DJ-02 & Waqf Tribunal
NDD/PHC/ND/31.07.2026