

IN THE COURT OF SHRI NARESH KUMAR LAKA
DISTRICT JUDGE – 07, CENTRAL DISTRICT,
TIS HAZARI COURTS, NEW DELHI

CS DJ CS DJ 539/2026
CNR No. DLCT01-009961-2026

In the matter of:

Usha Rani & Ors.

.....Plaintiff

VS.

Nilesh Ghadage & Ors.

..... Defendants

01.06.2026

ORDER

Vide this order, I shall decide an application seeking stay filed on behalf of the plaintiff. Arguments on the present application heard from Ld. Counsel for the plaintiff. Perused.

2. The present suit has been filed for the relief of permanent injunction, mandatory injunction and recovery of damages under Specific Relief Act by claiming that the defendant no.1 and 2 are carrying out demolition activities at their property bearing no. 28/3915, Gali No. 28, Regharpura, Karol Bagh, Delhi, which is situated adjacent to the property of the plaintiff i.e. 28/3916, Gali No. 28, Regharpura, Karol Bagh, Delhi. It is argued that the property of the plaintiff and the defendant no.1 and 2 are

contiguous structure sharing common walls and due to demolition activity being carried out recklessly by the defendant no.1 and 2, there is an apprehension that the property of the plaintiff may fall which is also evident from so many cracks created in the structure of the plaintiff. In this regard, photographs have been placed on record.

3. It is further alleged that the defendant no.1 and 2 have also not obtained any sanction plan from the defendant no.3 (MCD) and they are demolishing the said property with an intention to raise illegal construction and same is also violating the municipal laws but no action have been taken by the defendant no.3 in this regard. It is further stated that no prior notice has been sent to the defendant no.3 before filing the present suit as the relief is very immediate and urgent.

4. In order to assess the level of demolition work, their impact on the property of the plaintiff and to observe the state of construction, this court suggested to appoint a local commissioner to which Ld. Counsel for the plaintiff agreed.

5. Accordingly, Advocate **Ms. Atika Singh, Chamber No. 407, Lawyers Chambers block-I, (4th Floor), Delhi High Court, Sher Shah Road, Delhi (Mob. No. 9217920111/8210213470) (who is present in another matter bearing Ex. No. 393/17)** is appointed as Local Commissioner with following direction:

- (i) She will visit suit property on **02.06.2026 at 11.00 AM**

and inform the defendant no.1 and 2 about her appointment as LC in this case.

(ii) The said defendant no.1 and 2 and their agents/labourers/contractor/builder etc. are directed to provide access to her to visit the said property i.e. 28/3915, Gali No. 28, Regharpura, Karol Bagh, Delhi on all its portions/floors.

(iii) She will take copy of the permission/sanction plan of the said demolition/construction activity, if any taken from the MCD by the defendant no.1 and 2 or their agent/Builder.

(iv) She will also note in her report the safety measures being taken by the defendant no.1 and 2 to avoid damages to the property of the plaintiff.

(v) The Ld. LC will direct the defendant no.1 and 2 to stop the said demolition and construction activity and she will also paste a notice on the said property in this regard.

(vi) She will take photographs/videography of the current state of affairs (demolition/construction) from her mobile phone and file them along with a certificate under Section 63 of BSA with colour print out and pen drive before this court with advance copy to both parties in

advance. The cost of pen drive and print out shall be borne by the plaintiff or payable to Ld. LC.

(vii) For better co-ordination, the mobile numbers of the plaintiff and her counsel are taken on record as Sh. Rajnish Kumar, Ld. Counsel for the plaintiff (7279808498) and Mrs. Usha Rani (Mob. No. 9911033968).

(viii) On the said fixed date, the Ld. LC and parties will remain present at the spot. If any party resists, absents or disobeys aforesaid directions, the Ld. LC will carry this commission. If any one creates uproar, the Ld. LC will call police at 112 number or from local Police Station who are directed to assist the LC to execute the commission.

6. The fees of the Local Commissioner is fixed at Rs. 5,000/- to be paid in advance or on the spot by the plaintiff. Copy of the order be supplied to the Ld. LC. The stay application is **allowed** in terms of the aforesaid directions. The plaintiff is directed to comply with Order 39 Rule 3 CPC.

7. Put up for filing of report of Ld. LC and further proceeding on the date fixed i.e. **08.06.2026**. Copy of order be given dasti.

(Naresh Kumar Laka)
DJ-07/Central/THC
01.06.2026