

10.02.2026

Present: Ld. Counsel for Plaintiff.

Application under Order 6 Rule 17 of CPC.

There is an application for amendment of plaint on behalf of the plaintiff. Plaintiff seeks to add the relief of specific performance, since he was suing on the basis of unregistered documents.

Defendants are yet to be served in the present matter. Suit is at nascent stage. Even otherwise, in terms of the law laid down by *Suraj Lamp & Industries Pvt. Ltd. Vs. State of Haryana & Anr*, 183 (2011) DLT 1 (SC), unregistered documents can only be looked into in a suit for specific performance. The relief being necessary and essential for deciding the real controversy in the present matter and amendment being proposed at an initial stage, same is hereby allowed. Amended plaint is taken on record.

Application is disposed off.

Issue summons for settlement of issues and notice on the injunction application to the defendants, on filing of PF/Speed Post/AD, returnable for **07.03.2026**.

Application under Order 39 Rules 1 & 2 of CPC.

Plaintiff has filed photocopies of the relevant documents showing the agreement to sell between the plaintiff and defendant no.4.

In these circumstances, plaintiff has made out a prima facie case. Balance of convenience is also in favour of the plaintiff and irreparable harm and injury may be caused to the plaintiff if ex-parte order is not granted in favour of the plaintiff. Accordingly, defendants are directed to maintain the status quo with regard to title, possession and

extent of construction over the suit property i.e., Plot bearing No.114, land area measuring 52 Sq. Yards, out of Khasra No.23/23/2 in Village Mitraon, Delhi State Delhi, Abadi known as Shiv Nagar, Gopal Nagar Extn, Najafgarh, New Delhi-110043 till the next date of hearing.

Compliance of Order 39 Rule 3 of CPC be made within 3 days.

At this stage, Ld. Counsel for plaintiff also requested that a Local Commissioner may be appointed to visit the suit property to ascertain the status of construction and since it is settled law that possession of open piece of land follows the title, **Ms. Muskan Verma, Advocate, Enrollment No.D/9333/2024, Mobile No.9990162900**, is appointed as Local Commissioner to visit the suit property and take photographs and videography of the suit property to show the extent of construction as on date on the suit property. The Local Commissioner shall measure the property and prepare a site plan of the same.

Fees of the Local Commissioner is fixed at Rs.15,000/-, plus out of pocket expenses, to be initially borne by the plaintiff. The same shall form part of the costs of the suit. Fees be paid in advance.

Parties/their counsel shall be permitted to take part in the execution of the commission.

Local SHO to render necessary assistance to the Local Commissioner and ensure that one female Constable be also deputed.

Order dasti.

(HARJYOT SINGH BHALLA)
DJ-03, SOUTH-WEST, DWARKA
NEW DELHI/10.02.2026