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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 147/2026**

HARSH DEWAN

.....Plaintiff

Through: Mr. Rishu Kant Sharma and Mr. Aryan Jha, Advocates.

versus

PREM KUMAR CHAUDHARY AND ORS

.....Defendants

Through: Mr. Pawanjit Singh Bindra, Senior Advocate with Mr. Madhusudan, Mr. Ankit Kakkar, Mr. Fazal Haroon and Ms. Bhawna Tyagi, Advocates for D-1. Ms. Abha Malhotra, Senior Advocate with Mr. Raaj Malhotra, Mr. J. Karan Malhotra, Ms. Ranjita Biswas and Mr. Deepankar Chaudhary, Advocates for D-2 and 3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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28.07.2026

I.A. 19822/2026 (early hearing)

1. This is an application under Section 151 of the Code of Civil Procedure, 1908, filed on behalf of defendant no.1 seeking early hearing of I.A. 18372/2026 (under Order XXXIX Rules 1 and 2, CPC).
2. No grounds are made out. In any case, the matter is listed for consideration on 07.08.2026.
3. For the reasons stated above, the application stands disposed of.

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4. After some deliberations, Mr. Rishu Kant Sharma, learned counsel for the plaintiff and Mr. Pawanjit Singh Bindra, learned senior counsel for the



defendant no.1, on instructions, state that a Local Commissioner may be appointed to verify as to whether the gate which is sought to be erected by the plaintiff claimed to be in his own property is going to obstruct the ingress or egress of the property in the possession of the defendant.

5. Ms. Abha Malhotra, learned senior counsel appearing for the defendant nos.2 and 3 and states that so far as the defendant nos.2 and 3 are concerned, they are only interested in the shares of the property.

6. Accordingly, Ms. Aditi Mishra, Ph: 8826016909 (aditimishra.legal@gmail.com) is appointed as the Local Commissioner who shall visit the property on 29.07.2026 at 04:30 pm.

7. An authorized representative of the plaintiff as also the authorized representative of the defendant no.1, alongwith the parties, are permitted to accompany the said Local Commissioner. It is expected that none of the representatives shall influence or attempt to talk to the Local Commissioner and shall interact with her only in respect of the queries the Local Commissioner may have.

8. The Local Commissioner is also permitted to take photographs/videos only of the portion which is in controversy. The Local Commissioner shall verify as to whether the proposed gate which is being sought to be erected by the plaintiff, shall, in any manner whatsoever, obstruct ingress and egress of the defendant no.1 to access the property under his possession.

9. The Local Commissioner is requested to file her report within three days, of execution of the commission.

10. A fee of Rs.1,00,000/- shall be borne solely by the plaintiff which will be paid in advance to the Local Commissioner.

11. The Commission shall be executed in a peaceful manner.

12. List on the date already fixed i.e. 07.08.2026.

13. *Dasti* under the signatures of the Court Master.



14. A copy of this order shall be e-mailed to the Local Commissioner forthwith.

TUSHAR RAO GEDELA, J

JULY 28, 2026

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