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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 67/2021, I.A. 1495/2021 and I.A. 11997/2021**
LOKESH TYAGI & ANR.Plaintiffs

Through: Ms.Smita Maan, Advocate.

versus

ANISH TYGAI & ORS.Defendants

Through: Mr.Panakj Vivek and Mr.Suryansh
Jamwal, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER
% **06.05.2025**

1. With the consent of the parties, following issues are framed for adjudication:-

“1. Whether the plaintiff is entitled for the decree of the cancellation of the sale deed dated 06.08.2020 being registered document No.388, in book No.1, Vol. No.10414 on pages 43-53 registered on 07.08.2020 got executed in favour of Defendant No.3 by playing fraud upon the plaintiffs? OPP

2. Whether the plaintiff is entitled for the decree of the cancellation of the sale deed dated 06.08.2020 being registered document No.3947, in book No.1, Vol. No.10416 on pages 107-113 registered on 11.08.2020 got executed in favour of Defendant No.4 by playing fraud upon the plaintiffs? OPP

3. Whether the plaintiff is entitled for the decree of the cancellation of the sale deed dated 06.08.2020 being registered document No.3889, in book

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No.1, Vol. No.10414 on pages 54-60 registered on 07.06.2020 got executed in favour of Defendant No.5 by playing fraud upon the plaintiffs? OPP

4. Whether after passing the decree of cancellation of the sale deeds dated 06.08.2020, an intimation is to be sent to Sub-Registrar-IX, Kapashera, New Delhi for making the requisite entry in its book regarding the factum of the cancellation of the said sale deeds? OPP

5. Whether plaintiff is entitled for a decree of recovery of possession of the suit land against the defendants? OPP

6. Whether the plaintiff is entitled for a decree of Permanent injunction against the defendants in terms of Prayer Clause F in the plaint? OPP

7. Whether in alternative, the plaintiff is entitled for a decree of recovery of Rs.5,55,00,000/- against the defendants? OPP

8. Whether the plaintiff is entitled for pendente lite and future interest upon the amount of Rs.5,55,00,000/-, if so at what rate and for what period? OPP

9. Whether there is no privity of contract between the plaintiffs and defendant No.1 and 2? OPD

10. Whether there is no cause of action in favour of plaintiffs for filing the present suit against the defendants as state in Preliminary objection No.5? OPD

11. Whether the defendant No.3, 4 & 5 had sufficient funds in their bank account to purchase the Suit land from the plaintiff at the time of execution of the sale deeds dated 06.08.2020 executed in favour of Defendant no.3, 4 & 5? OPD

12. Relief.”

2. Learned counsel for the plaintiffs also prays for an appointment of a

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Local Commissioner.

3. At the request of learned counsel for the plaintiffs, the Court deems it appropriate to appoint Ms. Shivani Kher, Advocate (Mobile No.-+91-9811434300 and email Id- shivani@auriclaw.com) as Local Commissioner for taking up further necessary steps in accordance with law on the following terms:-

- (i) The fees of the learned Local Commissioner is initially fixed at Rs.15,000/-, per hearing, for the recording of evidence to be concluded in six months with a maximum of ten sittings of at least two hours each. Further, if the sitting exceeds two hours, the Local Commissioner shall be entitled to Rs 5,000/- per hour.
- (ii) The cost of the recording of evidence shall be borne by the plaintiffs.
- (iii) In case any adjournment is taken by one of the parties, the said party shall bear the costs of the said sitting. The Local Commissioner shall decide whether the adjournment is on account of the party/parties.
- (iv) In case of the requirement of the Court file, the Registry shall make the arrangements to send the Court file to the Local Commissioner, and Rs. 2,500/- is fixed towards the fees to be paid to the Court staff to carry the Court file and the same will be borne by the plaintiffs.
- (v) The parties shall provide full assistance to the Local Commissioner for recording of evidence.

4. Let the copy of the said order be sent to the newly appointed Local Commissioner through the electronic mode as well.

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5. List this matter on 21.05.2025 before the concerned Joint Registrar for taking up further necessary steps in accordance with extant rules.
6. Thereafter, list before the Court on the date to be assigned by the Joint Registrar.
7. Interim order to continue.

PURUSHAINdra KUMAR KAURAV, J

MAY 6, 2025
Nc/sph

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