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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(OS) 179/2014& I.A. 15738/2023, I.A.24061/2023, I.A. 4676/2024,  
I.A. 30049/2024, I.A. 30050/2024 & I.A. 35985/2024 & O.A. 59/2024

**SURINDER SINGH REKHI**

.....Plaintiff

Through: Mr. Anil Sharma, Mr.Sankalp Mishra  
andMr.Arpit Sharma, Advocates

versus

**DR. T.S. REKHI & ORS**

.....Defendants

Through: Mr. Keshri Kumar and Mr. Jitender  
Panchal, Advocates for D-2(c)  
Ms. Abhilasha Nautiyal and Ms.  
Aishwarya Kane, Advocates for D-7  
and D-9  
Mr. Siddharth Khattar, Mr. Divij  
Andley and Mr. Gaurav Parewa,  
Advocates for D-8(b)  
Mr. Jai Sahai Endlaw and Ms. Shruti  
Kapur, Advocates for D-8(c) and 8(e)

**CORAM:**

**HON'BLE MR. JUSTICE VIKAS MAHAJAN**

**ORDER**

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**25.10.2024**

**I.A. 15738/2023 (under Order VI Rule 17 read with Section 151 CPC  
filed on behalf of D-2 (c) seeking amendment of the written statement)**

1. Learned counsel appearing for defendant no. 2 (c)/applicant seeks to withdraw the present application.
2. Accordingly, the application is dismissed as withdrawn.

**O.A. 59/2024**



3. The present OA has been preferred by defendant no. 2(c) against the order dated 20.02.2024 whereby the learned Joint Registrar has closed the right of defendant no. 2(c)/appellant to lead evidence. The present OA is not opposed by learned counsel appearing for the plaintiff as well as other co-defendants.

4. In view of the above and regard being had to the averments made in the OA, the present OA is allowed. The direction with regard to the closure of the right of defendant no. 2 (c) to lead evidence is set aside.

5. In view of the above, OA stands disposed of.

**CS(OS) 179/2014**

6. It is pointed out by learned counsel appearing for defendant no. 2 (c) that one Prahlad Kaur Kanwar was also having a share in the suit property, however, she died issueless and all her legal heirs are already on record. This position is not disputed either by the plaintiff or by the co-defendants.

7. At this stage, learned counsel appearing on behalf of the respective parties jointly submit that the matter is at the stage of recording of evidence and a Local Commissioner may be appointed to record the evidence.

8. Accordingly, Mr. Vinay Kumar Gupta, District and Sessions Judge (Retd.), (Mob. No.) 9910384701 is appointed as Local Commissioner for recording of evidence.

9. In view of the above, the following directions are being passed:

- a) The fee of the Local Commissioner is fixed at Rs. 40,000/- per date for effective hearing and Rs. 5000/- for ineffective date.
- b) Costs for recording of evidence shall be borne by the parties in equal proportion, subject to final outcome in the suit.
- c) 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.

d) The evidence will be recorded by the Local Commissioner within the High Court precinct.

e) In case of requirement of Court file, the Registry shall make arrangements to send the Court file for the sitting before 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 parties in equal proportion.

f) The Local Commissioner is requested to complete the recording of evidence of parties within six months from today.

g) The parties shall provide full assistance to the Local Commissioner for recording of evidence.

10. The parties are directed to appear before the learned Local Commissioner on 08.11.2024 for finalizing the schedule for recording of evidence.

11. List before the learned Joint Registrar for completion of pleadings on 22.01.2025.

12. List before Court after completion of pleadings on 24.03.2025.

**I.A. 35985/2024 (under Order XXXIX Rule 4 read with Section 151 CPC filed on behalf of D-8 (a) seeking modification or interim order dated 19.08.2019)**

13. By way of present application, defendant no. 8(a)/applicant has prayed for modification of the order dated 19.08.2019 passed by this Court in respect of both the suit properties.

14. Learned counsel appearing for the applicant submits that the



modification is being sought for the reasons that defendant no. 8(a)/applicant wishes to relinquish his share in favour of his three children who have also been arrayed as defendant no. 8(b), 8(c) & 8(d). The application is not opposed by the learned counsel appearing on behalf of the plaintiff as well as the co-defendants.

15. Likewise, the learned counsel appearing for defendant no. 2 (c) submits that he has no objection in case the present application is allowed subject to the outcome of present suit.

16. In view of the above, the application is allowed. Accordingly, order dated 19.08.2019 is modified to the extent that defendant no. 8(a) shall be at liberty to relinquish his share in the two suit properties in favour of his children viz. defendant no. 8(b), 8(c) & 8(d).

17. Needless to say that the above relinquishment by the defendant no. 8(a) will be subject to the outcome of the present suit.

18. With the aforesaid directions, the application stands disposed of.

**I.A. 30049/2024 (under Section 151 CPC filed on behalf of defendant no. 7 seeking directions)**

**I.A. 30050/2024 (under Section 151 CPC filed on behalf of defendant no. 9 seeking directions)**

19. List on 24.03.2025.

**VIKAS MAHAJAN, J**

**OCTOBER 25, 2024**

**‘rs’**