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

+ **CS(OS) 193/2021**

ESVINDER SINGH & ORS.

..... Plaintiffs

Through: Mr. C. M. Lall, Sr. Adv. with Mr.
Abhinav Bhalla, Adv.

versus

CHASVINDER SINGH & ORS.

..... Defendants

Through: Appearance not given.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

24.04.2024

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I.A. 7018/2024

The present application has been filed on behalf of the plaintiffs under Order 26 Rule 9 CPC read with Section 151 CPC for appointment of Local Commissioner with the direction to visit the suit property i.e., No. 18, Rajasthani Udyog Nagar, G.T. Karnal Road, Delhi-110033 which is a commercial property.

The plaintiff is seeking the following directions for the Local Commissioner:

- i. To visit the suit property to assess the damages done by the defendant to the suit property.
- ii. To seek police assistance from the local police station, if required to maintain law and order and to help the Local Commissioner in conducting the commission in the suit



property.

- iii. To take photograph/videography of the proceedings.
- iv. To allow advocate/ representative of the plaintiffs to accompany the Local Commissioner.

Learned counsel for the defendants have filed the reply and opposed the application. Learned counsel submits that there is no need for the appointment of Local Commissioner as the property is duly well maintained.

However, I consider that no prejudice shall be caused to the defendant if the Local Commissioner is appointed. The report of the Local Commissioner shall only assist the court in adjudicating the matter.

In view of the submissions made in the application, this Court deems it appropriate to appoint Ms. Shilpa Ohri, Advocate (Mobile No. 9871900539) as Local Commissioner (LC) who shall visit the aforementioned premises. LC shall be at liberty to take photographs as well as videos of the premises of the suit property. LC may also take an architect along with him to assist in assessing the structural damages, if any to make the report. However, the LC or the architect shall not observe or make any report regarding the activities being undertaken by the parties. LC shall also be at liberty to take assistance of the SHO of the concerned Police Station, who shall provide all such assistance as may be required. Defendant shall cooperate in the execution of the commission. Fee of the LC is fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) which shall be paid by the plaintiff. The out of pocket expenses shall also be paid by the plaintiff. The actual fee of the architect shall also be borne by the plaintiff.

Local Commissioner shall visit the suit property only after giving an advance notice of two days to both the parties.



The report of the LC shall be filed within eight weeks.

LC shall also give the copy of the report to the parties.

In view of the above, the application stands disposed of.

I.A. 7019/2024

The present application has been filed under Order 39 Rule 1 and 2 read with Section 151 CPC on behalf of plaintiff for restraining the defendants from damaging the suit property.

Defendants have filed the reply.

Rejoinder, if any, be also filed within two weeks.

List before Joint Registrar (Judicial) on 13.05.2024.

DINESH KUMAR SHARMA, J

APRIL 24, 2024/AR..