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

+ CS(OS) 274/2020

I.A. 8451/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A.10194/2020 (under Section 89 CPC r/w Order X Rule 1A CPC-by defendant)

ANGAD SINGH REKHI & ORS.

..... Plaintiff

Represented by: Mr. Sanjeev Sindhwani, Senior Advocate with Mr. Kapil Midha, Ms. Meenakshi Midha, Ms. Pritika Juneja, Advocates with Plaintiff in person.

versus

SATBIR SINGH KOCHAR

..... Defendant

Represented by: Mr. N. Gangathy, Senior Advocate with Mr. Anirudh Sharma, Advocate with defendant in person.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **24.11.2020**

The hearing has been conducted through Video Conferencing.

CS(OS) 274/2020

I.A. 8451/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Learned counsel for the plaintiff states that pursuant to the order of this Court dated 6th November, 2020 *almirah* has been removed from the stilt, though not by the SHO, Rajouri Garden.
2. Learned counsel for the plaintiff points out that once the defendant started the repairs it was revealed that in the roof of the first floor, which is the floor of the defendant (second floor) there were major issues as RCC



was coming out at 8-10 places and rusted iron bars were visible.

3. Learned Senior counsel for the plaintiff states that a neutral Structural Engineer/Architect be appointed, who would inspect the property and submit a report to this Court as to the work which is required to be done, which the defendant would then get it done through his contractor and the expenses of the Local Commissioner will be borne by the plaintiff.

4. Considering the fact that the safety of both the plaintiff and defendant is at stake in view of the major repairs that are required to be undertaken a neutral Structural Engineer/Architect is required to be appointed.

5. Consequently, this Court appoints Mr. Deepak Goel, Architect (Mob.No. 9811057600) as a Local Commissioner to visit the premises i.e. J-56, Rajouri Garden, New Delhi and find out the necessary repairs required to be carried out by the defendant not only on the second floor but on the first floor of the building.

6. At the time of visit of the learned Local Commissioner the representatives of both the plaintiff and defendant will be present.

7. The learned Local Commissioner will also point out about the probable reasons, if possible, for the damages to the roof of the first floor, which according to the plaintiff is due to excessive seepage and give suggestions so that besides repairs, the problem does not occur in future and is rectified in one go.

8. The learned Local Commissioner will also ensure that the photographs/videography of the repairs to be carried out is also taken.

9. The fee of the learned Local Commissioner is kept at ₹1,00,000/- plus out of pocket expenses, to be borne by the plaintiff.

10. Awaiting the report of the learned Local Commissioner list the suit



and the application on 11th December, 2020.

11. Interim order to continue.
12. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

NOVEMBER 24, 2020

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