



\$~20

* **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, Sr. Adv. with
Mr. Kapil Midha, Ms. Meenakshi
Midha, Ms. Pritika Juneja, Advocates
with Mr. Charanjit Singh Rekhi,
plaintiff in person.

versus

SATBIR SINGH KOCHAR

..... Defendant

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

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **23.12.2020**

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. Pursuant to the report of the learned Local Commissioner dated 3rd December, 2020 which report had since been supplied to the parties, learned counsel for the defendant on 11th December, 2020 sought time to consult his architect and contractor as to how best these repairs could be carried out, as suggested by the learned Local Commissioner in the report dated 3rd December, 2020.
2. Learned counsel for the defendant No.1 states that defendant No.1 is



willing to carry out the repairs as suggested by the learned Local Commissioner, however since the labour is not available right now and will come in the first week of January he would need time since then.

3. Learned counsel for the plaintiff and defendant agree that though repair work would be got done by the defendant's contractor, however the same can be supervised by the learned Local Commissioner Mr. Deepak Goel, Architect who would visit and see both the floors whether the repair is being carried out properly and in the right earnest.

4. Learned counsel for the parties state that one visit of the learned Local Commissioner will be required when the flooring of the second floor is taken out, to instruct the manner in which grouting has to be done and one after the grouting is done and before the flooring of the second floor is to be fixed. Further, the defendant would carry out the remaining repairs as earlier directed by this Court.

5. Learned counsels for the plaintiff and defendant state that as and when these two visits are required, both the counsels will jointly inform the learned Local Commissioner Mr. Deepak Goel to visit the premises, subject to the convenience of the Local Commissioner.

6. The fee of the Local Commissioner is fixed at ₹40,000/- per visit, which will be equally shared by both the parties.

7. List the suit and application on 5th February, 2021.

8. Interim order to continue.

9. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

DECEMBER 23, 2020/‘ga’