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

+ CS(OS) 274/2020& I.A. 4714/2021

ANGAD SINGH REKHI & ORS. ... Plaintiffs

Through Mr.SanjeevSindhwani, Sr. Adv. with
Ms.MeenakshiMidha and
Mr.KapilMidha, Advs.

versus

SATBIR SINGH KOCHAR ... Defendant

Through Mr.Annirudh Sharma, Adv. alongwith
defendant in person.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **26.03.2021**

I.A. 4714/2021(for appropriate directions)

1. This application is filed seeking an order directing the plaintiff to appoint a contractor of his choice to get the estimate of the cost for the pending work and based on which the plaintiff may get the repair work done by the contractor at the cost of the defendant.

2. I may note that on 06.11.2020, this court noted as follows:

“3.As undertaken, the defendant is given one opportunity to get the seepage and other damages caused to the floor of the plaintiff rectified within two weeks, failing which this Court will have to appoint a third party for getting the repairs done at the cost of the defendant.

4.It is clarified that when the repairs are to be carried out by the defendant, the contractor and his labour will be given access to the floor and rooms of the plaintiff from 9.00AM to 6.00PM.”

3. It appears that the defendant has rectified the seepage part however the area of the plaintiff which was damaged is yet to be rectified.



4. Learned counsel for the defendant submits that since the order dated 06.11.2020 work has been going on at the premises.
5. It is agreed by learned senior counsel for the plaintiff and learned counsel for the defendant that this court may appoint an Architect/Engineer/Draughtsmen or Contractor to make an estimate of the cost of getting the repair work done of the property at J-56, Rajouri Garden, First Floor, New Delhi. It is further agreed that based on the cost estimates given by the Court Commissioner, the defendant shall make the payment to the plaintiff within two weeks from the receipt of the report.
6. Parties agree that they will accept the report.
7. Accordingly, Mr.Sudhir Vohra, (Mob.No. 9810065104) is appointed as a Court Commissioner to visit the aforesaid premises and make an estimate of the cost of repairs to be done in the said property of the plaintiff. The Ld. Court Commissioner is requested to visit the premises on 04.04.2021 at 11.00AM. Parties' representatives will remain present at the time of inspection. Ld. CourtCommissionermay submit his report within two weeks of his visit.
8. The fees of the Ld. Court Commissioner is fixed at Rs.40,000/- which will be shared equally by both the parties. Parties will cooperate and ensure that all the assistance is provided to the Ld. Court Commissioner.
9. Parties have agreed to this without prejudice to their rights and contentions.
10. List on 30.04.2021.

JAYANT NATH, J.

MARCH 26, 2021/st