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

+ **CS(OS) 470/2021, I.A. 36870/2024 & I.A. 44488/2024**

MAHENDER KUMAR SHARMAPlaintiff

Through: **Mr. Abhinav Garg, Adv.**

versus

SWATI SHARMADefendant

Through: **Mr. Nishant Menon and Ms. Jhum
Jhum Sarkar, Adv.**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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06.01.2026

1. Learned counsels appearing on behalf of the parties invite attention of the Court to the order dated 25.03.2025 passed by this Court whereby the preliminary decree was passed declaring that the plaintiff and defendant are entitled to half share each in the property bearing No. B-203, Lok Vihar, Pitampura, Delhi-110034.
2. *Vide* said order, the Court had also referred the parties to mediation under the aegis of Delhi High Court Mediation and Conciliation Centre [in short, 'Centre'] to find the possibility of amicable settlement.
3. Learned counsels for the parties submit that the mediation has been unsuccessful. Accordingly, both the parties urge the Court that a Local Commissioner be appointed to explore as to whether the property could be divided by metes and bounds.
4. In view of the above, Mr. Shiven Khurana [Mobile No.9958981505]



is appointed as Local Commissioner to visit the suit property and interact with the parties and suggest whether the suit property can be partitioned by metes and bounds amongst the parties to the suit, having regard to their respective shares.

5. The Local Commissioner will visit the aforesaid property after giving due notice to the counsel for the parties. The parties and/or their respective counsels may remain present at the time of execution of commission.

6. The Local Commissioner shall be at liberty to engage the services of an Architect for the purpose of deciding whether the property can be partitioned by metes and bounds. The fee of the Architect, as well as, other incidental and out of pocket expenses shall be borne by both the parties equally.

7. Both the parties shall extend support and cooperation to the Local Commissioner and give him access to the portions of the suit property in their respective possession to enable him to carry out inspection, and provide all necessary documents/site plan etc. as be requested by the Local Commissioner.

8. In case, exact division of suit property by metes and bounds is not possible as per the respective shares of the parties, the Local Commissioner will suggest other ways and means to offset any extra area/portion for and against any of the parties, if possible.

9. The fee of the Local Commissioner is fixed at Rs. 2 Lakhs to be shared equally by both the parties. The out-of-pocket expenses for preparing site plan etc. shall be borne by the parties jointly.

10. The Local Commissioner shall file report within eight weeks. The copy of the report shall also be furnished to the counsels for the parties, who



shall then be at liberty to file their objections thereto, if any, before the next date of hearing.

11. Re-notify on 13.04.2026 for consideration of Report of Local Commissioner.

VIKAS MAHAJAN, J

JANUARY 6, 2026

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