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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 412/2020 & I.A. 11771/2020, I.A. 11772/2020, I.A. 1041/2021, I.A. 16772/2022, I.A. 18997/2022, I.A. 21764/2022, I.A. 1918/2023, I.A. 6952/2024**
MS. NEERA MISRA Plaintiff

Through: Mr. Ashutosh Lohia, Ms. Shraddha Bhargava, Mr. Sharan Mehta, Mr. Rohit Saraswat and Mr. Gaurav Anand, Advs.

versus

MR. RAKESH CHANDRA MISRA Defendant

Through: Mr. Raman Kapoor, Sr. Advocate with Mr. Abhimanyu Walia and Mr. Kunal Sharma, Advs.

WITH

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+ **CS(OS) 591/2021 & I.A. 14865/2021, I.A. 435/2023**
RAKESH CHANDRA MISRA Plaintiff

Through: Mr. Raman Kapoor, Sr. Advocate with Mr. Abhimanyu Walia and Mr. Kunal Sharma, Advs.

versus

NEERA MISRA AND ANR Defendants

Through: Mr. Ashutosh Lohia, Ms. Shraddha Bhargava, Mr. Sharan Mehta, Mr. Rohit Saraswat and Mr. Gaurav Anand, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH

% **ORDER**
27.03.2024



1. This hearing has been done through hybrid mode.

I.A. 6952/2024 in CS(OS) 412/2020

2. This is an application filed under Order VI Rule 17 CPC, on behalf of the Plaintiff seeking amendment of plaint. The application is now on record.

3. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

4. List before Joint Registrar for completion of pleadings on 15th May, 2024

12. List before Court on 12th August, 2024.

I.A.435/2023 in CS(OS) 591/2021

5. This is an application filed by the Plaintiffs seeking direction that the Defendant i.e., sister from creating any hindrance in the peaceful living of the Plaintiff. For the moment, Mr. Raman Kapoor, Id. Senior Counsel submits that the Plaintiff only wishes to install a refrigerator for the summer months and television.

6. In the opinion of the Court, these are such basic necessities that the Court is inclined to allow the same. Plaintiff is free to bring in a refrigerator along with a television set and install the same in an appropriate space, bearing in mind the space available in the apartment.

7. The relationship between the siblings is acrimonious. Thus, for identifying the place where the equipment have to be installed a Local Commissioner is appointed. **Mr. Pulkit Thareja, Adv. (M: 9999624542)**, present in Court is appointed as a Local Commissioner who shall identify the space for installation of the refrigerator and television set in the said property. The Local Commissioner shall visit the suit properties and prepare a detailed report after ascertaining the space within the premises get the



refrigerator and TV installed. The Local Commissioner will be free to click pictures and videograph the proceedings, if required. The report of the Local Commissioner shall be placed within two weeks of execution of the Commission. The fee of the Local Commissioner is fixed at Rs.75,000/- to be paid by the Plaintiff.

8. The Plaintiff shall inform the Local Commissioner once the purchase of the refrigerator and television set is made with notice to the Defendant when he would be visiting the premises to identify the proper space to install the same.

9. It shall be ensured that the Local commission is conducted in a peaceful manner and no unnecessary disturbance/ hindrance is caused by any of the occupants of the apartment.

CS(OS) 412/2020 & I.A. 11771/2020, I.A. 11772/2020, I.A. 1041/2021, I.A. 16772/2022, I.A. 18997/2022, I.A. 21764/2022, I.A. 1918/2023

CS(OS) 591/2021 & I.A. 14865/2021

10. Ld. Counsels for the parties submit that the mediation has failed.

11. List before Joint Registrar for completion of pleadings in all the IAs for 15th May, 2024.

12. List before Court on 12th August, 2024.

PRATHIBA M. SINGH, J

MARCH 27, 2024

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