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

+ **CS(OS) 461/2024**

SJK ESTATES PVT. LTD. Plaintiff

Through: Mr. Harkirat Sawhney, Adv.
(M:9810000381)

versus

SHRI TRILOK CHAUDHRY & ANR. Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **30.05.2024**

1. This hearing has been done through hybrid mode.

I.A.30988/2024 (for exemption)

2. This is an application seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Delhi High Court (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, the application is disposed of.

CS(OS) 461/2024 & I.A.30986/2024 (stay)

5. Let the plaint be registered as a suit.

6. Issue summons in the suit and notice in the application to the Defendants through all modes upon filing of Process Fee.

7. Let the written statement to the plaint be filed within 30 days. Along with the written statement, the Defendants shall also file an affidavit of



admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

8. Liberty is given to the Plaintiff to file replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

9. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

10. This is an application on behalf of the Plaintiff seeking an *ex-parte ad interim* injunction, thereby restraining the Defendants from carrying out any work in the suit property. Further, the Plaintiff vide the present application is seeking a direction to the Defendants to restrain them from stopping the movement of the Plaintiff in the suit property/

11. Grievance of the Plaintiff is that the Defendants have even stopped ingress and egress of the Plaintiff in the suit property, in which the Plaintiff owns 1000 sq. yards of the total land.

12. The prayer for interim relief shall be considered on the next date of hearing.

13. Let a reply to the application be filed within two weeks after service. *Dasti* service is permitted.

14. List before the Joint Registrar on 16th August, 2024.

15. List before the Court on 24th July, 2024.

I.A.30987/2024 (for Local Commissioner)

16. This is an application filed on behalf of the Plaintiff- M/s SJK Estates



Pvt. Ltd. under Order XXVI Rule 9 of the CPC, 1908 seeking appointment of the Local Commissioner to ascertain the true position of the property being- agricultural land measuring 5 Bighas and 10 Biswas, in Khasra No. 378 Min (5-10), situated in the revenue Estate of Village Bhati, Tehsil, Hauz Khas (Mehrauli), New Delhi (*hereinafter*, 'suit property').

17. Accordingly, Mr. D.S. Rathi, Advocate who is present in Court, is appointed as a Local Commissioner to visit the suit property. The mandate of the Local Commissioner is as under:

- (i) The Local Commissioner shall visit the suit property for the purpose of inspecting and surveying the suit property.
- (ii) The Local Commissioner shall draw a rough sketch of the suit property and also determine as to who is in possession of which portion of the suit property and on what basis.
- (iii) The Local Commissioner shall also inspect the property and enquire as to what kind of activities are being undertaken in the premises.
- (iv) If any documents are given to the Local Commissioner, the same will be filed as part of the report. Copy of the order along with the plaint and the documents shall be served upon all the persons, who may be present at the time of execution of the commission.
- (v) The Local Commissioner is permitted to take police assistance, if required.

18. Let the local commission be executed by 15th June, 2024 and report be filed by 5th July, 2024. The fee of the Local Commissioner is fixed at Rs.1 lakh.



19. List on 24th July, 2024.
20. *Dasti*.

PRATHIBA M. SINGH, J.

MAY 30, 2024/dk/rks