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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(OS) 673/2023, CC 28/2024, I.A. 21022/2023 and I.A. 45067/2024**
SANJEEV CHOPRAPlaintiff

Through: Mr. Shivain Vaidialingam and Mr.
Shankar Vaidialingam, Advocates.

versus

SHOBHA GHAIDefendant

Through: Mr. Arvind Bhatt, Advocate.

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **14.11.2024**

I.A. No. 21022/2023 (under Order XXXIX Rules 1 and 2 of CPC, 1908)

1. Learned Counsel for the parties' states that this application can be disposed of and the interim order dated 20.10.2023 can be confirmed.
2. The interim order dated 20.10.2023 directs the parties to maintain status quo qua the title and possession of the suit property including the possession of the common areas.
3. The said order is accordingly confirmed till the disposal of the suit.
4. With the aforesaid directions, the application stands disposed of.

I.A. No. 45067/2024 (under Section 151 of CPC, 1908)

5. This is an application filed by the plaintiff seeking modification of typographical errors in the report of the Local Commissioner dated 11.11.2023. The modifications sought have been set out in paragraph 4 of the application which reads as under:

Paragraph	Extracts from the Report	Modification	sought
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no.		(italicized and emboldened)
6	Back Stairs to First Floor: There is a black gate at the mezzanine level installed by the Defendant (marked as C5 shown in blue colour in the site plan). The Back Stairs up to the Black Gate installed by the Defendant in under the possession of Defendant, however the same is being used commonly so that the Plaintiff can access the Back Lane, WC, Water Pump and Electrical Board on the Ground Floor....	Back Stairs to First Floor: There is a black gate at the mezzanine level installed by the Defendant (marked as C5 shown in blue colour in the site plan). The Back Stairs up to the Black Gate installed by the <i>Plaintiff</i> in under the possession of Defendant, however the same is being used commonly so that the Plaintiff can access the Back Lane, WC, Water Pump and Electrical Board on the Ground Floor
8	That the First Floor comprises Front Stairs, a Covered Verandah, a Bedroom 1 with an attached Toilet, a Living Area, a Wide Passage between the Living Area and Bedroom 1, a Dining Area, a Kitchen, a Bedroom 2 with an attached Toilet, a Room above Garage	That the First Floor comprises Front Stairs, a Covered Verandah, a Bedroom 1 with an attached Toilet, a Living Area a Wide Passage between the Living Area and Bedroom 1, a Dining Area, a Kitchen, a Bedroom 2 with an attached



	Mezzanine Level. The extent of possession of the Plaintiff and the Defendant of the Ground Floor of the Suit Property is mentioned below herein: ...	Toilet, a Room above Garage Mezzanine Level. The extent of possession of the Plaintiff and the Defendant of the First Floor of the Suit Property is mentioned below herein: ...
9	That thereafter, I examined the Barsati Floor of the Suit Property. The Barsati Floor comprises Front Stairs, an Open Terrace, a Barsati Room with a Toilet, a Terrace Above the Mezzanine Level and Water Tanks. The extent of possession of the Plaintiff and the Defendant of the Ground Floor of the Suit Property is mentioned below herein:	That thereafter, I examined the Barsati Floor of the Suit Property. The Barsati Floor comprises Front Stairs, an Open Terrace, a Barsati Room with a Toilet, a Terrace Above the Mezzanine Level and Water Tanks. The extent of possession of the Plaintiff and the Defendant of the Barsati Floor of the Suit Property is mentioned below herein:

The modification sought has been set out in Column number 3 and has been highlighted in Bold.

6. Issue notice. Learned Counsel for the defendant accepts notice.

7. He states that the defendant is still examining the Local Commissioner's report dated 11.11.2023 and reserves its right to file



objections, if any.

8. He however, states that to the extent of the corrections pointed out by the applicant/plaintiff in this application, he has no objection to the same.

9. This Court has perused the corrections proposed by the plaintiff and is satisfied that the same are formal in nature.

10. The application is accordingly allowed reserving the right of the defendant to file objections, if any, to the Local Commissioner in accordance with Law.

11. It is further directed that the objections, if any, shall be filed by the defendant within four (4) weeks.

CC 28/2024

12. List before the learned Joint Registrar (J) for completion of pleadings on **17.02.2025**.

CS(OS) 673/2023

13. Learned Counsel for the parties are directed to offer inspection of the original documents in their respective custody, to each other on 17.12.2024 at 2:30 pm in the premises of the High Court of Delhi.

14. List before the learned Joint Registrar (J) on **17.02.2025**.

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 14, 2024/nd/MG

Click here to check corrigendum, if any