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

+ **CS(OS) 999/2024 & I.A. 48312/2024 I.A. 48313/2024 I.A. 48314/2024**

SH NARESH KUMAR

.....Plaintiff

Through: Mr. Siddharth Yadav and Ms. Ishita Yadav, Mr. Deepak Kumar Mishra, Advocates

versus

K.S.M. PUBLIC SCHOOL & ORS.

.....Defendants

Through: Mr. Bharat Ahuja, Advocate for D-1, 4, 5 and 9 with D-5 in person
Mr. Askini Shokeen, Advocate for D-6, 7 and 8

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.05.2025

CS(OS) 999/2024

1. The present suit has been filed for land admeasuring 3800 sq. yards falling in Khasra No. 1 etc./278 and/or Khasra No. 1 etc./278/3 min., measuring about 3800 Sq. Yards., Village Shahbad Mohammadpur, Delhi ('suit land').

2. Learned counsel for defendant nos. 1, 4, 5 and 9 has entered appearance.

3. He states that out of this land admeasuring 3800 sq. yards, 1300 sq. yards was sold to the defendant no. 4 who is running the school/defendant no.

1.

4. He states that defendant no. 5 was the owner of 1300 sq. yards who has further sold it to seven (7) other parties, the details whereof are as under: -

S.No.	Party Name	Area (in Sq.)
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		yards)
1.	Defendant no. 6, Sh. Naveen Dutt	100
2.	Defendant no. 7, Sh. Pankaj Sharma	100
3.	Defendant no. 8, M/S Flying Fire Services Pvt. Ltd.	250
4.	Smt. Pushplata	250
5.	Smt. Ayesha Khan and Ms. Karika Burman	165
6.	Smt. Indu Bains and Mr. Anshul Bains	200
7.	Sh. Pradeep Kataria	235
	Total	1300

5. He states that with respect to the remaining 1200 sq. yards; his clients have no information about the owners and/or occupants of this portion, though the said portion is also constructed and occupied by third parties for a considerable time.

6. He states that the defendants along with other third parties are in settled possession of this land.

7. Learned counsel for defendant no. 6, 7 and 8 confirms the submissions of the other defendants.

8. In reply, Mr. Yadav, learned counsel for the plaintiff states that plaintiff was in possession of the suit land admeasuring 3800 sq. yards except for the area occupied by defendant no. 4 which, as per the plaintiff, was not more than 600 sq. yards. He states the plaintiff was in possession of at least 3100 sq. yards till 2019-2020.

9. He states that he is unable to confirm of the learned counsel for the defendants with respect to the existing status of construction and occupation of the suit land.

10. This Court has considered submissions of the plaintiff and defendant nos. 1, 4, 5 to 9.

11. The plaintiff in the plaint dated 29.10.2024 has not made full disclosure about the current status of possession of the suit land and the identity of the

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persons in possession of the suit land.

12. This Court observes that the stand taken by the parties is so diametrically opposite that it is apparent that one of the parties is lying to the Court. Today separately dramatic events transpired in CS(OS) 185/2025 also filed in the name of the plaintiff for identical reliefs for the same land has been dismissed.

13. In view of the factual controversy, this Court deems it appropriate to appoint a Local Commissioner, Mr. Vaibhav Dubey, Advocate (D-4501-2019) (M.No.9654519171) (email id: advvaibhavdubey@gmail.com) to visit the suit property on 31.05.2025 at 11:00 A.M. to prepare a map/layout plan of these 3500 sq. yards duly demarcating the suit land, partition of this land, identity of the party/person in and the extent of existing construction as well as vacant land.

13.1 The Local Commissioner will engage the services of a draughtsman to assist him in preparing the map/layout plan of the suit land as per measurements.

13.2 To ensure unhindered and effective execution of this order, the Station House Office ('SHO') of the concerned local police station within whose jurisdiction the suit property lies in village Shahbad Mohammadpur, is directed to provide police assistance and protection to the Local Commissioner, when he visits the property and more specifically, for carrying out the inspection considering that some of the persons in occupation of the property are not parties to this suit.

13.3 The concerned Tehsildar of Village Mohammadpur will also render all assistance to the Local Commissioner and the draughtsman.

13.4 The Local Commissioner is directed to file his report within two (2)

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weeks after conclusion of the inspection.

13.5 The fee of the Local Commissioner is fixed at Rs. 2,00,000/-. The costs and fees of the Local Commissioner and draughtsman will be borne by the defendants.

13.6 The burden of the party who will bear fee of this Local Commission will abide by further orders.

14. It is made clear that no summons has been issued in this suit as the assertion made in the plaint that the plaintiff was in possession of the suit property in 2020, is not borne out from the records and need to be ascertained, before the Court proceeds with the matter.

15. List on **31.07.2025** in the *Supplementary list*.

16. The plaintiff along with his daughter Ms. Riya Saini and Ms. Vaishno Saini shall remain present in Court on the next date of hearing.

17. In case plaintiff cannot produce Ms. Vaishno Saini, he will file an affidavit explaining the circumstances.

18. Copy of the order be sent to the standing counsel (CRL.) and standing counsel (C) for information and compliance for direction at paragraphs 13.2 and 13.3 of this order.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

MAY 21, 2025/mt

[Click here to check corrigendum, if any](#)

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