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

+ **CS(OS) 3137/2011**

SUNDER LAL JAIN

..... Plaintiff

Through: Mr. Shubham Seth and Mr. Nikilesh
Ramachandran, Advocates.

versus

PREM CHAND JAIN & ANR

..... Defendants

Through: Mr. Gaurav Kr. Pandey, Advocate for
D1 with defendant Mr. P.C. Jain.

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+ **CS(OS) 2038/2012, I.A. 5320/2016, I.A. 8554-8555/2016**

SUNDER LAL JAIN

..... Plaintiff

Through: Mr. Shubham Seth and Mr. Nikilesh
Ramachandran, Advocates.

versus

PREM CHAND JAIN & ORS

..... Defendants

Through: Mr. Gaurav Kr. Pandey, Advocate for
D1 with defendant Mr. P.C. Jain.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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05.03.2024

1. Learned counsel for the plaintiff submits that the preliminary decree has been made *vide* Order dated 13.03.2023 and the Local Commissioner needs to be appointed to determine whether the property can be divided by metes and bounds.

2. Mr. Prem Chand Jain, the defendant No. 1 is present in the Court and submits that he does not have the financial capacity to pay the fee of the Local Commissioner.



3. Learned counsel for the plaintiff submits that at this stage, the fee of the Local Commissioner shall be paid by the plaintiff, to be adjusted at the time of the final decree.

4. **Submissions heard.**

5. In view of the submissions of the parties, Mr. Shrey Sharawat, Advocate (M. No.8375039186) is hereby appointed as the Local Commissioner to inspect the premises and to submit its report in the manner in which the suit property can be divided by metes and bounds.

6. The fees of the Local Commissioner is fixed at Rs.1,00,000/-, to be paid by the plaintiff, to be adjusted subsequently.

7. The Local Commissioner may submit his report within one month.

8. Be listed before the Court on 24.04.2024.

NEENA BANSAL KRISHNA, J

MARCH 5, 2024/RS