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

+ **CS(COMM) 1433/2025, I.A. 369/2026, I.A. 7238/2026 & I.A. 8002/2026**

ANJU RANI

.....Plaintiff

Through: Mr. Sacchin Puri, Sr. Adv. with Mr. Kanwar Udaibhan Singh Sehwat, Ms. Poorvi, Ms. Rajul Jain, Ms. Aashna Bhola and Mr. Akash Gahlot, Adv.

versus

BIR ZORAWAR SAHNI

.....Defendant

Through: Mr. Aru Prakash and Ms. Sheetal, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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07.04.2026

I.A. 32843/2025 (by plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 CPC)

1. Mr. Sacchin Puri, learned Senior Counsel appearing on behalf of the plaintiff invites attention of the Court to order dated 12.01.2026, to contend that learned counsel for the defendant on the said date, on instructions, had categorically stated that the defendant shall deposit an amount of Rs.50,00,000/- in two installments of Rs.25,00,000/- each.
2. The first installment of Rs.25,00,000/- was to be deposited within a period of four weeks and the next installment of the same amount was to be deposited within four weeks thereafter.



3. Mr. Puri contends that an amount of Rs.25,00,000/- has been deposited by the defendant with the Registrar General of this Court, however, the balance amount has not been so deposited, rather an application has been moved by the defendant seeking dispensation from the undertaking to deposit the amount.

4. He submits that though the rent on month-to-month basis is being paid by the defendant, however, it is being paid at the previous rate and not at the enhanced rate in terms of the lease deed.

5. Mr. Puri further contends that the area which was leased out to the defendant is to the extent of 2000 sq. yds. whereas the defendant has encroached upon an additional 381 sq.yds. He submits that a Local Commissioner may be appointed to visit the site and measure the area which is under use and occupation of the defendant.

6. The prayer for appointment of Local Commissioner is not opposed by Mr. Aru Prakash, learned counsel appearing on behalf of the defendant.

7. In view of the above, Mr. Amandeep Joshi, Advocate [Mob. 9818065100; Email id: amandeepjoshi.adv@gmail.com] is appointed as Local Commissioner with following further directions:

- (i) The Local Commissioner shall visit the site and measure the area which is currently in use and occupation of the defendant with the assistance of *Halqa Patwari*, Village Ghuman Hera, Tehsil Kapashera, South-West, Delhi.
- (ii) The Learned Commissioner will give notice to the counsels for both the parties, before visiting the site.
- (iii) The concerned *Halqa Patwari* is directed to make himself available on the date and time when such measurement is undertaken by the



Local Commissioner, and render every possible assistance.

- (iv) The Local Commissioner will visit the site as per the convenience of *Halqa Patwari*, on any day within a period of two weeks from today. The plaintiff or her counsel will have the day and time of the visit to site coordinated between the Learned Local Commissioner and the *Halqa Patwari*.
- (v) The parties are directed to extend support and cooperation to the Local Commissioner, who may prepare the site plan, and may also click the photographs, of the site.
- (vi) The fee of the Local Commissioner is fixed at Rs.3,00,000/- to be paid by the plaintiff in advance. The out-of-pocket expenses for preparing the site plan and printing the photographs shall also be borne by the plaintiff.
- (v) Let Local Commissioner file his report within a period of two weeks after execution of commission.
8. Re-notify on 05.05.2026.
9. In the meanwhile, Mr. Prakash may also seek instructions from the defendant with regard to the deposit of balance amount.

VIKAS MAHAJAN, J

APRIL 7, 2026

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