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

+ CS(COMM) 1433/2025, I.A. 32843/2025, I.A. 369/2026 & I.A. 8002/2026

ANJU RANI

.....Plaintiff

Through: Ms. Rajul Jain and Ms. Poorvi Rewalia, Advs.

versus

BIR ZORAWAR SAHNI

.....Defendant

Through: Mr. Shashank Deo Sudhi, Mr. Aru Prakash, Advs. with defendant in-person.
Mr. Hilal Haider, Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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05.05.2026

I.A. 7238/2026 (under Section 151 CPC seeking modification of order dated 12.01.2026 by defendant)

1. By way of present application the defendant/applicant seeks modification of order dated 12.01.2026 whereby an undertaking of the learned counsel for the defendant was recorded to the effect that the defendant shall deposit an amount of Rs.50,00,000/- in the Court in the following manner:

(i) An amount of Rs.25,00,000/- will be deposited within a period of four weeks.

(ii) The balance amount of Rs.25,00,000/- will be deposited within a period of four weeks thereafter.



2. Mr. Shashank Deo Sudhi, learned counsel appearing on behalf of defendant/applicant submits that insofar as first instalment of Rs.25,00,000/- is concerned, the same already stands paid on 11.02.2026 i.e. within the time as undertaken. As regards the balance payment of Rs.25,00,000/-, he submits that since the defendant is in the process of completing the project, therefore, on account of financial constraint, he is not able to pay the second instalment of Rs.25,00,000/- within the stipulated period, for which a prayer has been made to defer the same.

3. Mr. Sudhi, on instructions from the defendant, who is present in Court states that the balance payment of Rs.25,00,000/- shall be deposited in Court on or before 15.08.2026. The statement is taken on record and the defendant is bound down to the same.

4. It is made clear that any construction raised on the leased land shall not create any special equities in favour of the defendant.

5. The application is disposed of.

I.A. 11700/2026 (under Section 151 CPC by plaintiff for modification of order dated 07.04.2026)

6. Ms. Rajul Jain, learned counsel appearing on behalf of plaintiff invites attention of the Court to the order dated 07.04.2026 to contend that the Local Commissioner was appointed by this Court with a direction to 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.

7. She contends that on the basis of certain documents on which the plaintiff has been able to lay her hands, it has transpired that in the lay out plan submitted by the defendant to the DDA, the defendant has left an area



of 274.30 square meters, equivalent to 328.06 square yards unilaterally, showing the same as left for road widening, without any prior consent of the owner of the land i.e. the plaintiff.

8. She further submits that the defendant had illegally encroached upon a part of the leased land and carried out extensive foundational work by constructing concrete and iron pillars. However, after the filing of suit, the said part of land has now been abandoned by the defendant.

9. In the backdrop of above factual developments, learned counsel for the plaintiff seeks modification of the order to the extent that the Local Commissioner be directed to identify and measure the area between where construction has now been abandoned by the defendant and where the construction is being done. Ordered accordingly.

10. In view of the modified scope of the commission to be executed, the learned counsel for the plaintiff urges the Court to reduce the fee of the Local Commissioner. Accordingly, the fee of the Local Commissioner, which was fixed in order dated 07.04.2025, is reduced to Rs.2,00,000/-.

11. List on 23.09.2026, for consideration of the report of Local Commissioner.

VIKAS MAHAJAN, J

MAY 5, 2026

N.S. ASWAL