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

+ **CS(OS) 2375/2008**

SHRI RAJINDER AGGARWAL

..... Plaintiff

Through: Ms. Deepika V. Marwaha, Sr. Adv.
with Mr. Shashank Dewan, Adv.

versus

M/S SHRESHTHA BUILDERS & PROMOTERS PVT LTD & ORS

..... Defendants

Through: Mr. Sahil Gupta, Mr. Karam, Ms.
Gurleen Kaur, Advs.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

14.03.2024

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I.A. 6041/2024

1. This is an application filed by the plaintiff under Order XXVI Rule 9 read with Section 151 CPC seeking appointment of a Local Commissioner ("LC") to determine the vacant portion of the premises, to find out the current status of the suit property and to determine if there has been any deviation in the possession and title of the suit property *vis-à-vis* plot No. 11, Rajpur Road, Civil Lines, New Delhi-110054, measuring 5800 square yards.
2. Mr. Gupta, learned counsel for the defendants states that the LC may be appointed but it should not come in the way of the merits of the case.
3. Taking his objections on record and holding that the commission executed by the LC will not come in the way of the final decision, the application is allowed.



4. Mr. Roshan Roy (Adv.) (Mobile No. 7781913676) is appointed as an LC to visit plot No. 11, Rajpur Road, Civil Lines, New Delhi-110054, measuring 5800 square yards to determine the area in possession of the defendant and the area in possession of the illegal occupants.
 5. SHO, Civil Lines shall provide adequate police protection to the LC.
 6. The LC will give an advance copy to the counsel for the plaintiff at e-mail ID- advshashankdewan@gmail.com and counsel for the defendant in e-mail ID- sahil@sgclegal.in.
 7. The fee of the LC is fixed at Rs. 1.5 lakhs which will be paid by the plaintiff. The LC will also take photographs and will file the same before the next date of hearing.
 8. The application is allowed and disposed of.
- CS(OS) 2375/2008**
9. List on 09.05.2024 at 02:30 PM.

JASMEET SINGH, J

MARCH 14, 2024/DM

Click here to check corrigendum, if any