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

+ **CS(OS) 1129/2015**

HARMEET KAUR SINGH

..... Plaintiff

Through: None

versus

KIMMI BRARA & ORS

..... Defendants

Through: Mr.B.B. Gupta, Sr. Adv. with
Mr.Vivek Tandon & Ms.Perna
Tandond, Advs. for D-1.
Mr.Dhruva Bhagat, Ms.Roshni Singh,
Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

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23.12.2022

I.A.22165/2022

1. This application has been filed by the defendant no.1/applicant praying for the following reliefs:

“a. allow the applicant / defendant no. 1 to repair/replace the lock on her main entry door No B with the assistance of a locksmith if need arises to enable applicant / defendant No. 1 to enter the ground floor of the suit property;

b. grant police protection to the applicant to peacefully and safely carry out the above in the event that defendant no 2 or her husband create any hindrance.”

2. Issue notice.



3. Notice is accepted by Mr.Dhruva Bhagat, the learned counsel on behalf of the defendant no.2.
4. Let notice of this application be served on the plaintiff and the defendant no.3, through their respective counsels, returnable on 13th January, 2023.
5. The learned counsel for the applicant submits that in the report dated 01.05.2015 of the learned Local Commissioner, one room on the ground floor was found to be in the possession of the applicant. The same was identified in the rough sketch, which appears at page no.37 PDF of the pleadings folder, as room no.2. He submits that the access to the said room was earlier through room no.1, which as per the report of the learned Local Commissioner was in possession of the plaintiff, though the defendant no. 1 claimed that her clothes were also lying in the room.
6. The applicant submits that there is a second access to room no. 2, which is through the drawing/dining room, which is marked as Room No.4 in the rough sketch. The said access/door has, however, been bolted from the inside.
7. The applicant further submits that there is another door to the ground floor of the suit premises from the staircase, which also is bolted from the inside.
8. She submits that in this manner, the applicant is being denied the access to Room No.2, which even as per the report of the learned Local Commissioner was in her possession.
9. On the other hand, the learned counsel for the defendant no.2 submits that by this application, the defendant no.1 is, in fact, seeking to obtain possession of the Room No.1, which the learned Local Commissioner found



was in possession of the plaintiff.

10. As the plaintiff is not represented today, the learned counsel for the applicant submits that at least the access to Room No.2 be granted at present to the applicant by opening the access to the room no. 2 from the room no. 4.

11. This prayer is not opposed by the learned counsel for the defendant no.2.

12. I also find *prima facie* merit in the submission made. However, it is made clear that this order is without prejudice to the rights and contentions of the plaintiff and the defendant no.3.

13. Accordingly, at the request of the applicant, Mr.Amit Kumar Juyal, Advocate (Mob. No.9871508112), is appointed as a Local Commissioner to visit the suit premises and ensure that the access to Room No.2 in the site plan is granted to the applicant by opening the door to the said room from the Room No.4, that is, drawing/dining room. The learned Local Commissioner shall also open the door to the ground floor from the staircase.

14. As it is the contention of the applicant that the access to Room No.2 from the Room No.4 has been bolted from inside, the learned Local Commissioner may gain access to Room No.2 from the Room No.1 and open the door to the Room No.2 from the Room No.4. However, thereafter the access to Room No.1 shall be closed for the applicant and the defendant no.2. For this purpose, the learned Local Commissioner is also permitted to take assistance of the Locksmith, if required.

15. The fee of the Local Commissioner is fixed at Rs.10,000/- to be paid by the applicant at the first instance.

16. Copy of the site plan, which is at page no.37 of PDF of the pleadings,



is being annexed with the present order for the perusal of the learned Local Commissioner.

17. *Dasti* under the signature of the Court Master.

NAVIN CHAWLA, J

DECEMBER 23, 2022/Arya