



2025:DHC:7693



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 1st, September, 2025***+ CM(M) 128/2019 & CM APPL. 3689/2019 & CM APPL. 39794/2023
ARVIND KUMARPetitioner

Through: Mr. P K Bhadrwaj, Advocate.

versus

GYAN CHAND & ORSRespondent

Through: Mr. Jatin Kumar with Mr. Jitesh
Kumar, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner is plaintiff before the learned Trial Court and is seeking possession, injunction and damages.
2. The petitioner/plaintiff claims himself to be the owner/land-lord of property measuring 75 Sq. Yds. which according to him is situated in Khasra no. 1596, Inder puri, New Delhi.
3. During the trial, plaintiff moved an application under Order XXVI Rule 9 CPC praying for appointment of a local commissioner to ascertain the location of the suit property.
4. According to the petitioner/plaintiff, since the defendant, while relying on sale deeds was claiming that the property in question is situated in Khasra No. 1595, Inder puri, New Delhi, need arose, so that the Revenue Officer of the village in question is appointed local commissioner for demarcation of Khasra No. 1595 and 1596 to ascertain the exact location and status of the suit property.
5. The grievance raised in the present petition is with respect to the dismissal of his such application.



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6. The present petition is pending for quite some time and the matter is, reportedly, at the stage of final arguments.
7. When asked, learned Counsel for the petitioner, submitted that instead of appointing a local commissioner, he would have no objection, if one opportunity is granted to plaintiff to summon concerned Official from Revenue Authority in order to show and demonstrate that suit property is located in Khasra No. 1596 instead of Khasra No. 1595.
8. Learned Counsel for the respondent submits that the petitioner/plaintiff should have been vigilant and should have taken requisite steps at the stage of trial to establish any such fact,
9. Keeping in mind the overall facts and circumstances of the case and to avoid any unnecessary complication arising in future, the present petition is disposed of with direction that the plaintiff would be at liberty to summon any competent officer from Revenue Authority in order to demonstrate his assertion that suit property is located in Khasra No. 1596. However, at the same time, in order to ensure that there is no prejudice to the case of the defendants, they would be also at liberty to call any such official in order to demonstrate that the suit property is located in Khasra No. 1595, instead.
10. It is, however, clarified that both the sides would be entitled to one opportunity each in this regard.
11. Petition is, accordingly, disposed of in aforesaid terms. The application, seeking to summon any such revenue official, be moved by plaintiff within two weeks from today.
12. It is, however, clarified that this Court has not made any observation on the merits of the case as such and the order is, without prejudice to rights and contentions of either of the parties.



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13. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 1, 2025/sw/SHS