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

+ CS(OS) 1150/2015

VIJAY GUPTA Plaintiff

Through: Mr. Sanjeev Rajpal, Advocate.

versus

GAGNINDER KR GANDHI & ORS Defendants

Through: Mr. P.S. Bindra, Advocate for
defendants.

ASI Naresh Kumar, Proxy for Insp.
Amardeep Sehgal, Sec-VI, EOW,
ND.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

15.02.2016

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I.A. No. 1769/2016

1. Issue notice. Mr. Bindra accepts notice. Reply, if any, be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.
2. In the meantime, it is agreed that this Court may appoint a Local Commissioner to report with regard to the existing state of availability of water and arrangement for supply of water existing in the premises.
3. Accordingly, I appoint Mr. Anuj P. Agarwala, Advocate, Mobile No. 9811885242, as the Local Commissioner, who shall visit the suit premises on 19.02.2016 at 11:00 a.m. No further notice shall be required to be given to the parties. The Local Commissioner shall examine the existing situation with regard to the supply of water in the entire premises, i.e. on all the

floors. The parties shall cooperate and make available to the Local Commissioner all the areas wherever the underground/ overhead water tank(s) and booster pump(s) are situated. The Local Commissioner shall examine as to who is operating the booster pump(s). The Local Commissioner shall take photographs. The report of the Local Commissioner be filed within two weeks. The fees of the Local Commissioner is fixed at Rs.40,000/-, to be shared equally by the parties, apart from all other out of pocket expenses.

4. In view of the notification No.2718/DHC/Orgl. dated 25.11.2015, issued under Section 4 of the Delhi High Court (Amendment) Act, 2015 (Act 23 of 2015), at the request of the counsels for the parties, the present suit is transferred to the Court of the District Judge (South-East), Saket for further proceedings before the competent court on 06.04.2016.

5. It is made clear that as both sides are duly represented today, no fresh notice for appearance shall be issued and the parties shall ensure their presence before the concerned Court on the aforesaid date.

6. The pending applications shall be considered by the concerned Court.

7. ASI Naresh Kumar states that the CFSL report is likely to be made available today. Let the said report be filed before the concerned Court, to which the matter is transferred.

VIPIN SANGHI, J

FEBRUARY 15, 2016

B.S. Rohella