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

+ RSA 366/2016

MAHINDER TRIPATHI

..... Appellant

Through: Mr. R.K. Anand, Advocate with Mr.
Chetan Anand, Advocate and Ms.
Payal Juneja, Advocate.

versus

SHIVAL SHUKLA

..... Respondent

Through: Mr. Sachin Mishra, Advocate with
Ms. Lavika Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER

% **05.05.2017**

1. After arguments, this appeal is disposed of with the consent order that the suit is remanded for a fresh decision from the stage of issues with evidence to be recorded and led afresh by both the parties in addition to the evidence which has already been led by both the parties on record.

2. It is also agreed that Ms. Neha Garg, Advocate Mobile No.9911536363 resident of C-3/69, Janak Puri, New Delhi-110052 is appointed as a Local Commissioner to record evidence and both the parties agree that they will not take more than five opportunities each to complete

their evidence and will ensure that recording of evidence before the Local Commissioner is completed within a period of six months of the first date fixed before the Local Commissioner. The fees of the Local Commissioner are fixed at a sum of Rs.1 lakh of which Rs.70,000/- will be paid by the appellant herein and a sum of Rs.30,000/- will be paid by the respondent herein.

3. Trial court is requested that it must complete hearing the final arguments in the case within a period of four months of the first date fixed before the court after recording of evidence.

4. Appeal is disposed of in terms of the aforesaid consent order. Both the parties are directed to maintain status quo with respect to possession, title and construction of the suit property.

5. Parties to appear before the District & Sessions Judge (West), Tis Hazari Courts, Delhi on 30th May, 2017 and the District & Sessions Judge will mark the suit for disposal to a competent court in accordance with law.

VALMIKI J. MEHTA, J

MAY 05, 2017

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