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

+ **CS(OS) 193/2017**

SMT. KIRAN SUNEJA & ORS

..... Plaintiffs

Represented by: Mr. Shaunak Kashyap & Mr. Mohd. Hamza,
Advocates.

versus

SHRI VIPIN SUNEJA

..... Defendant

Represented by: Mr. Gaurav M. Liberhan, Advocate.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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14.01.2020

I.A. No.14985/2019 (u/S 151 CPC by defendant)

1. The present application was filed by the defendant stating that though as per the demarcation of the property by the Tehsildar as also the Local Commissioner, it was a straight line, however, on ground reality when the four points were connected, it was not a straight line. Thus, this court requested Mr. Sudhir Vohra, Architect, the learned Local Commissioner to inspect the property and submit a report.
2. A report has been received from Mr. Sudhir Vohra according to which, both the plaintiffs and the defendant have agreed that the painted demarcation as done by the Revenue Department on the boundary wall of the plot is correct and thereafter the demarcations *inter se* the areas of the plaintiffs and the defendant can be as suggested in the five steps stated by the learned Local Commissioner.

3. Both learned counsels for the plaintiffs and the defendant, on instructions, state that they are agreeable to carry out the demarcation within the plot as per the five steps mentioned, however, in respect of Step 3, a dividing wall of brick, as per the revenue laws, would be constructed and both the plaintiffs and the defendant will bear the cost in equal ratios. The plaintiffs and the defendant are permitted to carry out Step 3 jointly whereas rest of the construction, as earlier directed, will be carried out by the defendant.

4. Mr. Sudhir Vohra, Architect will supervise that Step 3 of the suggestions is carried out equitably in his presence. The fee of Mr. Sudhir Vohra, Architect is fixed at ₹50,000/- for supervision of Step 3 in the suggestions, which will be borne equally by both the parties.

5. Parties are directed to carry out Step 3 within one month from today where after the defendant will carry out the construction and support walls, as directed earlier as also envisaged in Step 4 within two months thereafter. On completion of Step 4, the plaintiffs would carry out Step 5 within three months thereafter. After Step 5 is carried out by the plaintiffs, the defendant and his co-workers would be given access to the site in possession and occupation of the plaintiffs for four weeks for plastering the wall from his side.

6. Application is disposed of.

7. Order *dasti* to both the sides.

MUKTA GUPTA, J.

JANUARY 14, 2020/‘AA’