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

+ EX.P. 64/2016

BASANT CHAUHAN AND ORS Decree Holders
Through: Mr. Ramesh Kumar, Adv.

Versus

VIVEK AHUJA Judgement Debtor
Through: Mr. Vinod Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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26.10.2016

EA No.310/2016 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

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3. The petition is filed for execution of a compromise decree.
4. The counsel for the defendants/decreed holders states that the defendants/decreed holders have filed an application in the suit in which the compromise decree was passed for setting aside of the decree and which application, on enhancement of the minimum pecuniary jurisdiction of this Court, has been transferred to the Court of District Judge (North-West), Rohini Courts, Delhi and is now pending before Mr. Shahabuddin, Additional District Judge (North-West), Rohini Courts, Delhi and is listed next on 10th November, 2016.

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5. I have enquired from the counsel for the defendants/decreed holders, as to how, when the defendants/decreed holders themselves have applied for setting aside of the decree, can they on the other hand, claim execution thereof.
6. The counsel for the defendants/decreed holders states that since the decree has not been set aside or declared to be not executable till now, this execution is being pursued.
7. It is deemed appropriate that this execution is also transferred to the same Court where the application aforesaid is pending. In any case, as per the Office Order dated 24th November, 2015 of Hon'ble the Chief Justice of this Court in exercise of powers under Section 4 of the Delhi High Court (Amendment) Act, 2015, this proceeding is liable to be transferred to the Subordinate Courts.
8. Accordingly, this proceeding is transferred to the Court of the District Judge (North-West), Rohini Courts, Delhi.
9. The District Judge (North-West), Rohini Courts, Delhi is requested to assign this proceeding to the same Additional District Judge before whom the application in the suit aforesaid is pending.
10. The parties to appear before the Additional District Judge / District Judge (North-West), Rohini Courts, Delhi on 10th November, 2016.
11. The Registry to ensure that the file reaches the concerned Court by that date.

RAJIV SAHAI ENDLAW, J.

OCTOBER 26, 2016

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