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

+ **EX.F.A. 24/2016**

**AJIT KUMAR**

..... Appellant

Through: Mr. K.K. Sharma and Mr. S. Khan,  
Advocates.

versus

**PINKI & ORS**

..... Respondents

Through: Mr. Sumit Ahuja, Advocate for R-1  
and 2 with respondent no. 1 in person.

**CORAM:**

**HON'BLE MR. JUSTICE VALMIKI J. MEHTA**

**ORDER**

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**24.05.2017**

1. As agreed to by the counsel for the respondent nos. 1 and 2 the costs of Rs.10,000/- imposed on 1.5.2017 is reduced to Rs.5000/- and which costs of Rs.5000/- is paid to the counsel for the respondent nos. 1 and 2 in the Court today.

2. After arguments, this appeal is disposed of with the consent order that the objections filed by the appellant under Order 21 Rule 98 CPC will be decided after framing of issues and leading of evidence by the parties. It is also agreed that the appellant will not get more than six months and three opportunities to complete his evidence, failing which the right to lead evidence of the appellant will stand closed.

3. I may note that in accordance with Order 21 Rule 101 CPC the objections have to be decided like a suit i.e. procedure of the suit

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provided *bona fide* disputed questions of facts are raised, and which *prima facie* are raised in this case, and this is without opining finally one way or the other on the merits of the matter of the respective parties.

4. The executing court is requested to ensure expeditious disposal of the objections and the executing court is requested to make an endeavour that final arguments in the matter are completed within three months of completion of evidence in the case.

5. Accordingly, this appeal is allowed in terms of the present consent order setting aside the order dated 18.4.2016.

6. Parties to appear before the District and Sessions Judge, Tis Hazari Courts (West District), New Delhi on 8<sup>th</sup> June, 2017 and the District and Sessions Judge will mark the objection petition filed by the appellant to a competent court for disposal in accordance with law.

**VALMIKI J. MEHTA, J**

**MAY 24, 2017**

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